BROADCASTING
and
Broadcast Advertising

Vol. 20, No. 5 WASHINGTON, D. C., FEBRUARY 10, 1941 $5.00 A YEAR—15c A COPY

U. S. Files Sweeping Suit Against ASCAP

Consent Decree Still Possible But Made More Difficult; Society Fails to Halt Filing; Infringement Threat

By SOL TAISHOFF

ITS PATIENCE exhausted by ASCAP's stalling and indecision, the Department of Justice last Wednesday carried out its repeated threats of punitive action by slapping an all-inclusive criminal anti-trust suit against Gene Buck, ASCAP president, his 25 board colleagues and 19 of the more important publishing house members.

The criminal suit, finally vindicating the judgment of the broadcasting industry that ASCAP constitutes an illegal monopoly, does not preclude entering of a consent decree, but it makes the course much more tortuous.

THE text of the Government's criminal action against ASCAP will be found on page 26.

Around the Table

New conversations with a far more docile ASCAP were begun with Anti-Trust Division attorneys in Washington last Friday (Feb. 7), with substantially more than a quorum of ASCAP's board of directors, flanked by four attorneys, in attendance. These were regarded as the forerunner of the newest foray in the direction of a consent decree, and ASCAP unquestionably is seeking revision downward of the terms proferred. The Department's position, however, in the light of the pending criminal suit, has been that ASCAP must take a decree similar to that signed by Broadcast Music Inc., or face trial.

Listening to the pleadings of the ASCAP board at the all-day session Friday were Holmes Baldridge, chief of the litigation section of the Anti-Trust Division; Victor O. Waters, special assistant to the Attorney General in charge of the copyright litigation, and his assistant, Warren P. Cunningham Jr. The ASCAP retinue was headed by President Gene Buck, and included E. Claude Mills, chairman of the Administrative Committee; John G. Paine, general manager, and Attorneys Lieut. Gov. Charles Poletti of New York, his partner, Milton Diamond, and ASCAP regular counsel Louis D. Frohlich and Herman Finkelstein.

Directors present were Otto A. Harbach, George W. Meyer, Gustave Schirmer, Fred E. Ahlert, Saul Bornstein, J. J. Bregman, Irving Caesar, Max Dreyfus, Walter Fischer, Edgar Leslie, Jack Mills, Herman Starr, John O'Connor, Will Von Tilzer, and John Mercer.

ASCAP directors were all but prostrated when the action came in Milwaukee, after it had used every imaginable device in attempting to forestall the filing. The unrest that has occasioned the almost daily board meetings in New York was transformed into a veritable panic, it is reliably reported.

Decree Possible

Its effort to pressure the industry into contract renewals a complete fiasco, ASCAP is expected to attempt to negotiate a consent decree before it is arraigned March 5 in Milwaukee, pursuant to the Government's criminal action. Normally, the procedure would be to round up the defendants by warrant, and follow the customary criminal routine, including fingerprinting, placing of bail bond, and the like. At the behest of Mr. Waters, who filed the criminal information, however, the court permitted this procedure to be withheld, and it is expected that the defendants will agree voluntarily to appear in Milwaukee March 5, unless a postponement is procured.

Whether ASCAP, in light of its plight, will seek to use dilatory tactics and postpone actual trial of the criminal case, is conjectural. At the eleventh hour, Lieut. Gov. Poletti, and Mr. Diamond, were retained for the second time to handle conversations with the Department of Justice. They successfully negotiated for ASCAP a proposed decree last December but this was rejected by the ASCAP board and conversations were abruptly ended.

With the broadcasting industry rolling along nicely without ASCAP music, and with Broadcast Music Inc. firmly entrenched as a going concern, the broadcasting industry feels it has won its battle against ASCAP in one short month. Reorganization of BMI, pursuant to the consent decree entered formally Feb. 4 [BROADCASTING, Feb. 3], after having been filed the preceding Monday, is necessary only after ASCAP is placed under similar restraints as a result of a decree or after adjudication of the new criminal suit.

Threat of Suits

There remained the threat of wholesale ASCAP infringement suits against stations. Here again, however, ASCAP, literally "over the barrel", may regard it as inexpedient to use this legal device in attempting to force a settlement with the industry. Since its whole operating structure is under attack in the Government suit, it probably could not obtain swift judgment against stations.

The Anti-Trust Division of the Department of Justice, through Mr. Waters and his assistant, Mr. Cunningham, threw practically everything in the anti-trust statutes at the ASCAP board and the publishing houses which now have or have had officers sitting on the ASCAP board. They were charged with unlawful conspiracy to deprive the public of its music by various means. These included suppression of competition; use of a self-perpetuating board; arbitrary membership requirements; issuance of blanket licenses; arbitrary fixing of fees, including the percentage-of-gross method inflicted upon broadcasters; discrimination as to price and terms (such as the newspaper station form of contract); restrictions on public performance of particular tunes and network blanket licensing not providing for clearance at the source. [See text of criminal information on page 26].

Assistant Attorney General Thurman Arnold, in charge of the Anti-Trust Division, minced no words in his comment on the Department's action. He said:

"In plain language, ASCAP is charged with exploiting composers by preventing them from selling their music except on terms dictated by a self-perpetuating board of directors. That board has the power arbitrarily to determine on what basis various members of ASCAP shall share in the royalties from ASCAP compositions.

Unfair Dealing

"In addition to discriminating against composers, ASCAP has been using its monopoly power to charge the users of music for songs they do not play. This is done by compelling the user to pay a percentage of his gross receipts on programs where other music is used or where no music is used. By this method, anyone who does not belong to ASCAP is excluded from the market. These practices we consider not only illegal but unjustifiable on any ground of fair dealing. Our proceeding is aimed only to compel ASCAP to stop such practices. Therefore, the Department will continue to hold the door open to proposals from ASCAP which will eliminate these abuses. It does not desire to prevent ASCAP from protecting the copyright privileges of its members."

Shift in Counsel

Mr. Waters and B. J. Husting, U. S. district attorney in Milwaukee, did not file the criminal action against ASCAP until Feb. 5, the day following the actual entering of the BMI consent decree by Federal Judge F. Ryan Duffy, former Senator from Wisconsin. They were prepared to file the suit at that time, but ASCAP sought to reopen negotiations at the eleventh hour and told Anti-Trust Division attorneys that the entire board of 24 members would be in Washington Feb. 4 to negotiate the decree.

This meeting suddenly was called off, after a bitter fight at the ASCAP board meeting. When the 48-hour period of grace granted by Mr. Baldridge had expired, Mr. Waters was instructed to file the criminal suit.

Reappearance of Lieut. Gov. Poletti and Mr. Diamond as ASCAP counsel augurs for possible agreement on a consent decree before the case comes to trial, which normally would be about three months hence. The decree procured by

(Continued on page 12)

FCC Acts to Rush Procedure In Objections to Treaty Shifts

Engineering Recommendations Quickly Approved; Canadians Approve Their New Allocations

HIGHLY ELATED over the outcome of the North American Regional Engineering Conference which adjusted conflicts in allocations for stations on this continent, preparatory to the spectrum-wide reallocation scheduled for March 29, the FCC Feb. 4 announced plans for quick handling of objections to the new alignment in compliance with the law.

Immediately after conclusion of the Inter-American Conference, attended by delegates from Canada, Mexico, Cuba and the United States on Jan. 30, the FCC approved the recommendations at the engineering sessions. Only eight changes in frequency assignments were made in the allocations for this country as originally set out last September [BROADCASTING, Feb. 3]. An order was issued Feb. 4 to each of the 795 stations whose frequency assignments will be changed, in keeping with the Havana Treaty, with a view toward quick changeover to new waves.

Simultaneous Shift

The FCC explained that under the recommendations adopted at engineering sessions Jan. 4-30, under State Department auspices, the precise allocations of other countries will not be released until the recommendations are accepted by the particular nations. If no such notice is given before March 1, however, the recommendations are to be considered as approved and accepted by the respective governments. New lists at that time will be made public, if not approved before then. Canada approved Feb. 5 [see page 16].

The FCC pointed out that under the agreement, all stations must shift simultaneously to their new frequency at 3 a.m. (EST) March 29. It explained that under the Communications Act the Commission may not grant renewals of existing station licenses more than 30 days prior to the expiration of such licenses. Because of the March 29 recommendation, the Commission pointed out that no final action with respect to pending renewal applications will be taken prior to that date.

The FCC's public notice of Feb. 4 continued:

"The Commission's order in each case specifies the frequency and conditions of operation proposed to be authorized. It further provides that the station licensee may give notice to the Commission of any objections it may have to the frequency assignment and other conditions of operation proposed affecting such station on or before Feb. 18, 1941. Upon receipt of any such notice the Commission will afford appropriate opportunity for a hearing.

"Although the orders permit the filing of objections and provide for hearing, it should be observed that the proposed changes were made public Sept. 11, 1940, and opportunity was then and thereafter given to interested parties to make their views known. The purpose of the further opportunity now afforded is to permit the final examination of any remaining objections under the standard of public interest, convenience and necessity. Stations not filing objections will be deemed to have consented to such changes and the orders provide that the Commission will then consider the applications for renewal of such stations as applications for renewal on the new frequencies and subject to the new conditions.

Licenses for CP's

"There are outstanding standard broadcast station construction permits looking to the issuance of licenses for operation after March 29, 1941. Before any license covering such construction permits may be issued provision must be made consistent with the terms of the agreement for the use of a frequency, and in some instances installation of directional antennas or modification of directional antennas presently provided for in said construction permits. The holder of any such construction permit should file as promptly as possible an application for modification of the construction permit to specify a frequency and conditions of operation consistent with the terms of the agreement.

"The Commission also announced that although the recommendations are not yet legally in effect, pending the response of other governments, no action will be taken by the Commission in a manner inconsistent with the provisions of the agreement, the recommendations or the appended lists.

"This, of course, will not preclude action where there are no questions of a signal of sufficient intensity to cause interference consequences in another country, nor the granting of authorizations for operation effective after March 29, 1941, which may be notified as changes under the agreement."

The recommendations adopted at the conference, among other things, provide that each of the radio administrations involved will refrain from making any new station assignments or changes in existing assignments as to location, power, frequency, or hours of operation, effective prior to March 29, "which are not specifically for the purpose of complying with the listings of broadcast stations" as set forth in the respective allocation lists. This, however, "does not preclude notification of additional assignments to be made effective after March 29, 1941," according to the document.

Antenna Delays

The recommendations relating to new operating assignments specify that when a directional antenna, as required, has not been installed, the operating power of the station will be restricted "to a value which will not cause any objectionable interference to stations in other countries." Each administration is required to take necessary measures to prevent the operation of any station not conforming to these requirements.

In the event operation of any station in accordance with the allocations may as a result of actual measurement be found to cause objectionable interference in excess of the amount computed in accordance with the standards specified, negotiations may be instituted to reduce the interference, in accordance with the appropriate technical principles, according to the agreement.

The document specifies that the signatory governments shall communicate to each other as soon as possible their acceptance of the recommendations. It is specifically provided that prior to March 1 no Government shall make public the listings of stations of any other Government "unless the latter shall have already made its own listing public."

NBC CHICAGO expansion plans are studied as two engineers from the New York office visit Central Division headquarters in Chicago to go over plans for the construction of three new studios and eight new offices in the Merchandise Mart quarters. Shown here surveying the plans drawn up by Howard C. Luttgens, Central Division engineer, are (l to r) Mr. Luttgens, Harry Kopf, general manager of the Division; Chester A. Racky, audio facilities engineer; William A. Clarke, manager of technical service. The studios and offices are expected to be completed by April 1.

Smeby Advises Stations to Act Quickly To Prepare for Change in Assignments

IMPLORING stations to order crystals ground to their new frequencies, arrange engineering service and file for their new construction permits as specified under the Havana Treaty reallocation to become effective March 29, Lynne C. Smeby, NAB director of engineering, declared Feb. 7 that to effect the shift as scheduled utmost cooperation between the FCC, the stations and equipment manufacturers is essential.

There are two possible bottlenecks apparent at present in carrying out the reallocation, he said—crystals and new equipment. Grinding of the hundreds of new crystals, he pointed out, will be difficult prior to March 29. Mr. Smeby suggested that stations make immediate arrangements for them, either by an exchange with present tenants on their new frequency or through order. In ordering new crystals, manufacturers should be notified whether a directional antenna is used, he warned.

Slow Deliveries

Because of national defense and other requirements, deliveries on equipment, other than crystals, necessarily are slow, Mr. Smeby declared. He urged stations to ascertain promptly their demands and place their orders.

Most engineers, Mr. Smeby declared, have placed the minimum time necessary for placing the agreement in effect at three months. Inasmuch as less than two months remain, he emphasized it is essential that stations act quickly to complete their technical arrangements.

Further suggestions were:

Each consulting engineering firm will be called on to change over several directional antennas. It will not be possible for each firm to be at the transmitter of each client on the night of the change. The FCC in its release provides for changing most of the directionals on a skeleton proof of performance basis. Under this plan the consultants can start immediately resetting directionals during test periods and then record the new settings. On the shift night the station engineer can set all the coils and condensers to the previously marked positions. This scheme can probably be worked in the majority of cases. Inasmuch as the time is very short, it is imperative that stations immediately place orders with their consulting engineers for realigning the directional antennas.

If a station's transmitter has duplicate crystals, it will be permissible to operate with one crystal for the old frequency and one for the new frequency in the transmitter during the change-over period.

Stations should immediately place orders with the manufacturers for changing frequency monitors to the new frequencies. The FCC has made arrangements with the monitor manufacturers so that an order can be placed for the change without sending

(Continued on page 55)

List for Curtiss Candy

CURTISS CANDY Co., Chicago during the month of February starts its test campaign of transcribed announcements on three stations promoting three of its products [BROADCASTING, Feb. 3]. Plans to date call for approximately 30 weekly one-minute transcribed announcements for Carlton Gum starting Feb. 9 on WKY, Oklahoma City; two to four daily transcribed announcements on KCMO, Kansas City, for Cocoanut Grove candy bars, starting Feb. 17, and four daily 35-word transcribed announcements for Chico nuts, starting Feb. 24, on KXOK, St. Louis. Contracts are for 13 weeks. Agency is C. L. Miller, Chicago.

B-S-H SEEKS DATA ON STATION SALES

BLACKETT - SAMPLE - HUMMERT, New York, is sending letters to stations in all parts of the country asking information which will be useful to the agency in placing spot business. Each station is asked to send copies of its current program schedule with an itemized list showing the names of each program, sponsor, product, and length of time product has been advertised on the station.

Spot announcements and chain breaks as well as regular programs are to be included in the list. A coverage map showing the number of radio homes in the station's primary and secondary areas is also requested.

It was stated that the results of the query will give the agency a complete picture of the spot activities in various markets, as well as providing a valuable index for the placement of spot business.

CBS NET EARNINGS TOTAL $4,806,000

CBS consolidated net earnings for the fiscal year ending Dec. 28, 1940, were approximately $4,806,000, equivalent to $2.80 per share, Frank K. White, CBS treasurer, reported Feb. 5. Figure is based on preliminary figures, subject to the audit now being made, he said, and the annual financial report will be ready about April 1. Earnings for 1939 were $5,001,500, equal to $2.91 per share. Net earnings for 1940 are shown after the deduction of $1,819,500 for Federal income taxes and $810,500 for estimated Federal excess profits taxes, representing an approximate increase of $1,500,000 over the $1,127,157 provided for Federal income taxes the previous year.

The CBS board on Feb. 5 declared a cash dividend of 45 cents per share on Class A and Class B stock of $2.50 par value, payable March 7 to stockholders of record Feb. 21.

MBS January Sales

MBS gross time sales for January 1941 totaled $505,231, a gain of 59% over the $317,729 gross for January, 1940, MBS has reported. As previously announced [BROADCASTING, Jan. 27], CBS and NBC have discontinued the publication of their time sale figures and are planning to furnish to the NAB data from which the NAB will release comparative figures on a unit time basis which is said to afford a better comparison and at the same time to avoid the publication of dollar figures, which the industry believes has led to unwarranted ideas concerning its net income.

ALBERT E. KANE, author and conductor of the former *Famous Firsts* programs on WOR, New York, has filed suit in New York Federal Court against Plough Inc., Memphis, seeking $25,000 damages for alleged infringement, an injunction and accounting of profits. Plaintiff claims that Plough's current campaign on 35 stations for St. Joseph's Aspirin and Penetro uses an announcement which starts "This is a famous first fact in history."

CHANGES IN HAVANA TREATY ASSIGNMENTS

(Corrections to be made in logs in 1941 Yearbook)

VARIOUS changes in frequency, power, radiation, time and class designations have been made by the FCC in the Havana Treaty allocations as originally announced and as published in the 1941 BROADCASTING *Yearbook*. The changes, by frequencies, should be made on pages 64-78 of the *Yearbook* as follows; these changes may also be made in their proper places in the Havana Treaty assignment by call letters published on pages 50-62 of the *Yearbook*, and they should be made in the State listings (bold face portions) on pages 103-178:

550 kc.—Change power of KFYR, Bismarck, N. D., to 5,000 watts.

560 kc.—WFIL, Philadelphia; see Note 1.

570 kc.—Change power of KGKO, Fort Worth, to 5,000 watts.

620 kc.—Delete WFLA, Tampa, Fla. Change time designation of WSUN, St. Petersburg, to U. Change power of KGW, Portland, to 5,000 watts.

780 kc.—WJAG, Norfolk, Neb.; see Note 2.

790 kc.—Correct call letters of KGHL, Billings, Mont.

810 kc.—Change power of KGO, San Francisco, to 10,000 watts.

940 kc.—Change power of WMAZ, Macon, to 5,000 watts U.

960 kc.—Change radiation of WELI, New Haven, to 184.

970 kc.—Change call letters of WKGA, Tampa, to WFLA.

980 kc.—KMBC, Kansas City; see Note 3.

990 kc.—WIBG, Glenside, Pa.; see Note 4.

1000 kc.—Change power of WCFL, Chicago, to 10,000 watts. Change power of KJR, Seattle, to 10,000 watts. Indicate class of both stations as I-B.

1070 kc.—Change power of WAPI, Birmingham, to 50,000 watts; see also Note 5.

1080 kc.—Change power of WCAZ, Carthage, Ill., to 250 watts.

1090 kc.—Change power of KTHS, Hot Springs, to 50,000 watts.

1110 kc.—Change power of KFAB, Lincoln, to 50,000 watts.

1130 kc.—Change powers of WDGY, Minneapolis, to 1,000-N and 5,000-LS. KWKH, Shreveport; see Note 6.

1150 kc.—Eliminate DA-N after KSWO, Lawton, Okla.

1170 kc.—Change power of KVOO, Tulsa, to 50,000 watts. Change power of WWVA, Wheeling, to 50,000 watts.

1190 kc. Change powers of WOWO, Fort Wayne, to 50,000 watts. Change power of KEX, Portland, to 50,000 watts, and class to I-B; see also Note 7.

1200 kc.—Shift WCAU, Philadelphia, to 1210 kc.

1210 kc.—Shift WOAI, San Antonio, to 1200 kc.

1230 kc.—WSOO, Sault Ste. Marie, Mich.; see Note 8. Delete WBAB, Atlantic City. Delete WEST, Easton, Pa. Add WFAM, South Bend, Ind., power 250 watts, time U-D, S-WJOB-N, class IV.

1240 kc.—Between WHBU and KBIZ, insert KWLC, Decorah, Ia., power 250 watts, radiation 150, time D, class IV. Eliminate WTMA Charleston, S. C.

1250 kc.—Add WTMA, Charleston, S. C., power 1,000 watts, radiation 215 DA-N, time U, class III-B.

1270 kc.—Change power of KGCU, Mandan, N. D., to 500-N, 1,000-LS.

1300 kc.—Change power of WFBR, Baltimore, to 5,000 watts. Change powers of WOOD and WASH, Grand Rapids, to 5,000 watts and indicate radiation as 175-DA-N and class as III-A.

1320 kc.—Change power of WEBC, Duluth, to 5,000 watts. Change power of WJAS, Pittsburgh, to 5,000 watts.

1330 kc.—Change class of WBBR, Brooklyn, to III-A. Change class of WEVD, New York, to III-A. Change class of WHAZ, Troy, to III-A. Change power of WHBL, Sheboygan, Wis., to 500-N, 1,000-LS.

1360 kc.—Change power of WSAI, Cincinnati, to 5,000 watts.

1370 kc.—Change power of KGNO, Dodge City, Kan., to 500-N, 1000-LS.

1390 kc.—Change power of KCRC, Enid, Okla., to 1,000 watts. Change power of WCSC, Charleston, S. C., to 1,000 watts.

1400 kc.—Between KTOK and WJAC, add WEST, Easton, Pa., power 250 watts, radiation 150, time U, class IV.

1410 kc.—Change power of WKBH, LaCrosse, Wis., to 5,000 watts.

1440 kc.—Change power of KGNC, Amarillo, Tex., to 1,000-N, 5,000-LS.

1450 kc.—Between WAZL and KRBC, insert WMDF, Greenwood, S. C., power 250 watts, radiation 150, time U, class IV.

1460 kc.—KGEZ, Kalispell, Mont.; see Note 9.

1470 kc.—Eliminate "Proposed 5,000" under power of WMBD, Peoria, Ill.

1480 kc.—Between KGCX and WGAR, insert WHOM, Jersey City, power 5,000-N, 1,000-LS, radiation 230-DA-N, time U, class III-B.

1490 kc.—Between KGKY and KAWM, insert WBAB, Atlantic City, N. J., power 250 watts, radiation 150, time U, class IV. Delete WCNW, Brooklyn, and WWRL, Woodside, N. Y.

1510 kc.—Change power of WLAC, Nashville, to 50,000 watts. Change power of KGA, Spokane, to 10,000 watts.

1520 kc.—Change power of KOMA, Oklahoma City, to 50,000 watts.

1560 kc.—Delete WHOM, Jersey City. Add WQXR, New York City, power 10,000 watts, radiation DA, time U, class II.

1600 kc.—Delete WQXR, New York City. Add WCNW, Brooklyn, power 500 watts, radiation 175, time S-WWRL, class III-B, add WWRL, Woodside, N. Y., power 500 watts, radiation 175, time S-WCNW, class III-B.

Note 1—WFIL: This assignment is agreed to between the U. S. and Canada as listed. Canada agrees to interpose no objection to an increase in the operating power of WFIL to 5 kw. with the radiation to Kirkland Lake, Ont. on the bearing 338 degrees not to exceed 392 mv/m unattenuated at one mile (that produced by a nondirectional 5 kw. station having 175 mv/m at one mile for 1 kw.). It is further agreed that the frequency 1220 kc. will not be assigned within the U. S. for a reasonable time to permit assignment of CJKL to this frequency if the station should so elect. If subsequent investigations indicate the frequency 560 kc. to be more desirable and CJKL elects to remain on this channel under the aforementioned conditions, further use of the frequency 1220 kc. in the northeastern portion of North America will be the subject of further negotiations on the basis of established priorities.

Note 2 — WJAG: Station to operate on 1090 kc. pending adjustment of domestic problems in the U. S.

Note 3 — KMBC: Permitted to continue operation with 5 kw. power, unlimited time and the directional antenna now installed and on file with the FCC and the Department of Transport subject to the determination of actual interference to CJRM in accordance with the provision for such determination established by the Treaty. If interference is found to exist to greater than 4 mv/m, appropriate action by the Commission will be taken to require KMBC to reduce the radiation on the bearing 331 degrees to such an amount that the limitation at Regina does not exceed 4 mv/m.

Note 4 — WIBG: This assignment available for Class II operation, unlimited time, Philadelphia, provided the signal at no place on the border between the United States and Canada exceeds 0.025 mv/m 10 per cent of the time.

Note 5 — WAPI: To operate on 1170 kc. pending adjustment of domestic problems in U. S.

Note 6 — KWKH: Reclassification of KWKH, 50 kw. Class II station (Treaty provision) at Shreveport to I-B acceptable so long as CBR, Class I-B station at Vancouver, continues to operate with 5 kw. power as provided by the Treaty. When power of CBR is increased to 50 kw., classification of KWKH to be dependent upon interference received from CBR. If CBR is operated with directional antenna which provides satisfactory service to the British Columbia area and protects the service of KWKH as a I-B station in accordance with the Treaty, this classification may be continued.

Note 7 — KEX: This assignment of a Class I-B station at Portland, Ore. is agreed to by Mexico on condition that the DA proposed protect the service of a Class I-B station in Sonora in accordance with the engineering standards of the Treaty.

Note 8 — WSOO: It was agreed between the delegates from the U. S. and Canada that if an increase in power beyond that of a local station is contemplated for either CJIC or WSOO, the Department of Transport will advise the Commission, or vice versa, in order that the increase in power of either station may be considered in conjunction with that of the other.

Note 9—KGEZ: Conditional grant as to directive antenna on 1460 kc.

Bankruptcy Ruling Against Brinkley

Court Action Comes at Same Time as License Refusal

ALMOST coincident with the disclosure that the Mexican Government will not re-license Dr. John R. Brinkley's 180,000-watt XERA, at Villa Acuna, Mexico, came the action Jan. 31 of the Federal District Court at San Antonio, adjudging the medico-broadcaster a bankrupt. Dr. Brinkley voluntarily petitioned for the judgment and a preliminary schedule, subject to amendment, listed his debts at more than $1,100,000 and his assets at $316,500.

Following the conclusion of the North American Engineering Conference in Washington, Jan. 30, to perfect the continental allocations under the Havana Treaty, it was learned authoritatively that no provision had been made for continuance of XERA when the Treaty becomes effective March 29. Similarly XENT, at Nuevo Laredo, border station formerly operated by Norman T. Baker, another erstwhile U. S. broadcaster, was understood to have been excluded under the Mexican allocation. Baker, according to last reports, was in the custody of Federal authorities for alleged violation of the mail statutes.

License Revoked

A leading exponent of goat gland rejuvenation, Brinkley originally operated a station in Milford, Kan., the license for which was revoked by the former Radio Commission because of its use as a private mouthpiece to promote Brinkley's surgical services and his hospital, then at Milford. The license of the former Baker station at Muscatine, Ia., likewise was revoked on similar grounds. Baker, however, specialized in purported cancer cures.

Brinkley, at the height of his career, is reported to have had an almost fabulous income. He twice ran for Governor of Kansas and repeatedly was in hot water wtih the American Medical Assn. He ran a close race for the gubernatorial election in 1930. He owned a yacht, an airplane and a number of specially built automobiles.

U. S. Files Sweeping Suit Against ASCAP

Officials, Counsel Confer at Dept. of Justice

(Continued from page 9)

these attorneys last December was comparatively innocuous, as compared to that accepted by BMI. The BMI consent decree represents the minimum terms which can be offered ASCAP. Other factors, cited in the criminal information, of necessity would be included in any stipulated settlement now worked out [BROADCASTING, Feb. 3].

ASCAP Reorganization?

That ASCAP must undergo a complete reorganization under the terms of any decree entered, is a foregone conclusion. Its whole method of operation would be junked and it would have to start anew, eliminating all of the practices complained of. This would result in setting it up substantially as a music clearing house, collecting fees for its writer and publisher members and allocating the returns equitably. All of the water now existing in its high command would have to be squeezed out. It would have to provide for clearance at the source, as would BMI, but these adjustments would occur within nine months following any settlement reached.

While it is too early to predict the outcome, it is felt that should ASCAP be brought into line voluntarily, some arrangements might be made whereby its music could be performed until the necessary reorganization and licensing policies are established. Conceivably, the Government might be disposed to approve a month-to-month licensing arrangement for a specified minimum.

Buck Explains

When the ASCAP board finally recovered from the shock of the criminal action, President Buck announced publicly that the Government had assured the Society it was ready "to continue negotiations for an adjustment of the controversy just as if no information had been filed in the Federal District Court in Milwaukee." When he formally announced Mr. Poletti's retention to negotiate the decree, and expressed "deep regret" over the Government's action, he said ASCAP "has always been willing and desirous of making any just and reasonable change in its organization and method of operation".

Government attorneys were believed to be pleased with the ASCAP decision to re-retain Messrs. Poletti and Diamond. Their original conversations last December were harmonious, it is understood. The ASCAP board threw out the suggested decree available at that time after the ASCAP house counsel, Louis D. Frohlich and Herman Finkelstein, had vigorously opposed it.

As a matter of fact, handling of a consent decree prior to the filing of litigation represents unorthodox procedure. Usually, the Government does not initiate conversations on decrees until litigation has been filed. Entering of the BMI decree came after the Government had announced its intention of filing both against BMI and the major networks, and separately against ASCAP. The suit against BMI never actually had been filed.

In the case of ASCAP, a six-year-old civil suit alleging violation of the Sherman anti-trust laws still is pending in the Federal District Court for the Southern District of New York. Presumably, the Milwaukee Federal Court was selected for the criminal suit because it is regarded as a typical American community of average size. If, as and when the case goes to trial, the jury would be selected from citizens in that jurisdiction.

Speeds Procedure

The Government resorted to the criminal information procedure as a means of circumventing normal processes necessary for grand jury indictments. Filing of the suit on information, with supporting affidavits, is tantamount to a grand jury proceeding.

Meanwhile, turmoil reigns within ASCAP. Totally aside from the pandemonium that developed following filing of the criminal action, it was apparent that separate groups of ASCAP were disgruntled. Board members representing publishing houses controlled by the motion picture companies are under particular duress because of the effect of nonperformance of their music by radio. Apparently, box-office reaction already has been evident and it is presumed, as was the case several years ago when Warner Bros. withdrew from ASCAP, that the motion picture producers are seeking to force some agreement that would result in reinstatement of their music on the air.

Composer members are distraught because acceptance of a consent decree would seriously jeopardize their position.

It was learned authoritatively that a committee of song writers visited Messrs. Baldridge and Cunningham Feb. 4 in regard to the decree. Irving Caesar, president of Song Writers' Protective Assn., and Oscar Hammerstein 2d, both composer members of the ASCAP board, accompanied by their attorneys, Arthur Garfield Hayes and John Schulman, contended that song writers could not live under a BMI-type decree because of the requirements relating to exclusive licenses. This, however, was viewed as a private controversy between composer and publisher and one that would have to be settled by contract, once the Government settles its score with ASCAP as a whole.

It is felt that the only way the plight of the composer can be taken care of is by setting up a straight per piece method of compensation, somewhat paralleling the pattern worked out by BMI for compensation to its composers.

Lengthy Charges

The exhaustive criminal information covered 70 pages, 22 of which were devoted to the actual allegations. The remainder of the pleading embodied seven exhibits, incorporating ASCAP contracts with various types of users and including also the proposed contracts for broadcast stations and networks which were proferred as of Jan. 1, 1941 and rejected except by a handful of stations, almost entirely those not affiliated with the major networks.

Federal Attorney Husting sought and received permission from the court to file the information. Mr. Waters afterward explained the detailed allegations. He also read into the record a letter requesting that the issuance of the customary criminal procedures be held in abeyance pending conferences with ASCAP as to voluntary appearances.

Since this commitment was received by Mr. Waters from ASCAP Feb. 6, it was presumed the warrants would not be issued and that ASCAP officials would not be required to undergo the customary criminal fingerprinting and other procedures. The Government's whole effort in this respect is to

CODE'S EQUALITY
ASCAP Replies to Godfrey On WJSV Program

ASCAP, promoter of a propaganda program over a hundred independent stations, took refuge behind the NAB code in Washington last Friday. On Jan. 10 Arthur Godfrey, who conducts an early morning program on WJSV, CBS Washington key, explained the music situation, using BMI material. Neutral listeners, including several Washington newspapermen, praised the presentation for its objectivity.

A. D. Willard, WJSV manager, received a letter from John G. Paine, general manager of ASCAP, demanding time to answer Godfrey under the equal-time-for-controversial-issues clause of the code. The station complied and early Feb. 7, much earlier than song writers and their managers are wont to arise, Paine and Irving Caesar of ASCAP arrived at the WJSV studios. They were in Washington to confer with Department of Justice attorneys. When they finished Godfrey said, "Now that we've heard ASCAP's story let's hear some good, old BMI music". He played "Jeannie With the Light Brown Hair".

No Change in Popularity of Programs Since Music Feud, CAB Rating Shows

BECAUSE of numerous predictions as to the effect withdrawal of ASCAP music from the networks would have on the audiences of network musical programs, the report of the Cooperative Analysis of Broadcasting (Crossley ratings) for January has been awaited with more than usual curiosity.

Because of the possibility of misuse of the results in a way which might put the CAB in the position of taking sides with either the broadcasters or ASCAP in the music controversy, the CAB management is adhering firmly to the position that its reports are compiled for the exclusive information of CAB subscribers and refusing to allow any reprinting of the ratings of individual programs.

Only Slight Changes

The findings are summarized, however, in a release issued last week by the NAB, which points out first that the CAB found no change in national poularity of network programs during January, the average number of listeners to 172 network shows during the period ending Jan. 28 being identical with the number for the period ending Dec. 23. There were 82 programs making gains and 86 with losses, while 4 remained the same. Of evening programs, 53 had more listeners, 49 fewer. Musical programs fell of .4 point in rating, a negligible amount.

Daytime programs averaged a 6.1 rating for January, compared with 6.2 for December, while evening programs maintained a 13.8 rating for both months. The average audience for all programs (day and night, was 10.7 for both December and January.

Making its own analysis of the CAB figures for the two periods, BROADCASTING found that of 35 network programs either entirely or predominently musical, 21 had changes in rating of one point or less and so statistically may be said to remain unchanged, as the possibility of statistical error exceeds that amount. Of the 14 programs whose rating changed more than one point, seven showed increases and seven decreases, maintaining the balance.

Musical programs with higher ratings for January than for December were: *Moylan Sisters, Voice of Firestone, Carnation Contented Hour, Guy Lombardo, Major Bowes, Waltz Time* and *Melody Ranch*. Those whose ratings fell off in January were: *Metropolitan Auditions, Johnny Presents, Plantation Party, Kay Kyser, Kate Smith, Hit Parade, Pet Serenade.*

Penn. Recording Bill

PENNSYLVANIA broadcasters are opposing House Bill 79, introduced in the General Assembly Jan. 27 by Rep. Cohen. It is designed to prohibit the recording of any broadcast performance or rendition without the consent of artists, among other provisions, and is thought to have backing of the National Assn. of Performing Artists. A similar bill (Perry bill) died last year in the New York Assembly.

If ASCAP (Case No. 449-Q) Had Wings of an Angel.. *An Editorial*

HENCEFORTH ASCAP's affairs with Uncle Sam will be found in Criminal Case jacket No. 449-Q of the District Court of the United States for the Eastern District of Wisconsin. Much to the chagrin of Messrs. Buck, Frohlich, et al., ASCAP trifled too long with the Anti-Trust Division of the Department of Justice and, as things stand now, its 26 officers and directors and representatives of 19 prominent ASCAP publishers must line up for arraignment in criminal proceedings in Milwaukee next March 5.

There might have been a far happier ending if ASCAP's leadership had been more resourceful and less emotional and arrogant. Whatever the outcome, ASCAP never will be the same again. A quarter-of-a-century of absolute rule of music's public performance has ended ignominiously. With the skirts of the broadcasting industry entirely clear by virtue of the Broadcast Music Inc. consent decree, competition in music now is assured.

The action of the Government against ASCAP, albeit somewhat later than expected, clearly vindicates the judgment of the broadcast industry in its dealings with a high-handed society that has collected something like $25,000,000 on a "'blind-buy" basis from the broadcasting industry since 1923.

It is utterly useless for ASCAP to talk about any sort of reconciliation now with the broadcasting industry. ASCAP stands charged with "conspiracy" as an unlawful combination in restraint of trade in broadcasting, sheet music, motion picture films and electrical transcriptions. For broadcast stations to deal with such an "illegal combination" would place them in a vulnerable position as accessories.

ASCAP's latest overtures toward a negotiated settlement of its trouble with the Government may bear fruit, now that such attorneys as Lieut. Gov. Charles Poletti and Milton Diamond are back in the picture. They successfully negotiated a consent decree with the Department last December, only to have it tossed out by a still haughty ASCAP board. They retired from the case. If that decree had been accepted in advance of BMI's action in negotiating the more stringent stipulation, ASCAP would have been spared its present embarrassment, ASCAP music would still be on the air, and the impending upheaval in ASCAP's organization would have been averted.

As it stands today, the public appears well satisfied without ASCAP's vaunted repertoire. And when ASCAP music again is performed by radio, it will be paid for on an equitable basis. The fixed percentage of station income method, it is safe to say, is no more.

In attempting to negotiate a new decree, ASCAP is faced with the necessity of eliminating the threat of triple damages, not only from the broadcasting industry but from all other public performers that have been forced to capitulate to its arbitrary blanket license demands of the past. To avoid this, any adjudication reached must circumvent a confession of guilt on ASCAP's part; otherwise the triple-damage processes may be pursued.

After a quarter-century of calling the tune, it now is ASCAP's turn to face its own music, with lyrics by the Department of Justice.

---

expedite handling of the case, assuming no decree is worked out.

If the new conversations toward a consent decree fail to jell, dilatory tactics may be pursued to postpone the date of trial. Possibility of an ASCAP request for a change of venue on the ground that Milwaukee was selected because of the existence of a possible anti-ASCAP viewpoint is foreseen. Moreover, it is assumed that customary steps for a specific bill of complaint and similar moves would be made which might have the effect of delaying trial at least 90 days.

The full board of directors of ASCAP had made its date to meet with Mr. Baldridge on Feb. 4. After the 48-hour grace period had expired and the board had failed to show up, Mr. Baldridge gave Mr. Waters a green light on the filing of the criminal information. Reports emanating from ASCAP headquarters indicated that the board was unable to come to an agreement on the matter to be discussed with the Department and that as a consequence the whole plan fizzled. It was at this meeting, however, that the decision was reached to re-engage the Diamond-Poletti firm and seek a new basis for an out-of-court settlement.

The schism in the ASCAP ranks found one group favoring a court fight to the finish and the other espousing a consent decree. The latter forces finally prevailed, though harsh words were spoken, with President Buck in the center of the controversy.

The pro-consent decree forces were bitter over the failure to accept the original decree proferred last December and procured by Messrs. Diamond and Poletti. Its more lenient terms, it was felt, would have permitted ASCAP to exist with a minimum of reorganization. The excruciatingly stringent requirements of the BMI-type decree, it is felt, may spell the end of ASCAP.

BOO!
ASCAP Embraces Clubwomen
In Sponsor Threat

IN A BROADSIDE containing the facsimile signatures of some 200 educators, public school music supervisors, club women, and members of the Federation of Music Clubs and the Organist Guild, who have attempted to bring about negotiations between ASCAP and the broadcasting industry, ASCAP addresses an open letter to sponsors of radio programs, urging them to "make your influence felt in bringing about such an agreement."

Repeating the familiar charge that radio is "now employing that thoroughly un-American weapon, the boycott, in an effort to crush ASCAP," the letter continues: "The leading American manufacturers whose sponsorship accounts for most of the $200,000,000 spent annually in radio advertising, are the last who can afford a boycott. Such tactics, unleashed, are certain to bring unpleasant repercussions."

BMI Tune Suggestions

BMI has sent to all its station licensees a list of some 300 compositions, carefully selected from the catalogs of BMI, Ricordi, Marks and Peer, as being suitable for most program needs and having "hit potentialities". In an accompanying letter, M. E. Tompkins, BMI vice-president and general manager, states: "We are heartened by the splendid support of our stations in the use of the materials offered by BMI. To forestall criticism on the part of the listening public, however, we must improve program structure by widening our use of available material in the interest of intelligent diversification."

Guild Maps Appeal

COUNSEL for the American Guild of Musical Artists is now preparing papers for the Guild's appeal to the New York Court of Appeals in its case against James C. Petrillo, president of the American Federation of Musicians, it was stated Feb. 6 at AGMA headquarters.

COMPETITORS met on a cordial basis recently when Cincinnati broadcasters were guests of the Cuvier Press Club. All in this family group made brief talks. Seated are (l to r) James D. Shouse, WLW general manager; Mayor Stewart of Cincinnati; Mortimer C. Watters, WCPO general manager and vice-president of Scripps-Howard Radio. Standing, Dewey Long, WSAI general manager; Robert E. Dunville, WLW sales manager; Elmer Dressman, WCKY; Herman Fast, WKRC.

Atlantic Buying Baseball

ATLANTIC REFINING Co., Philadelphia, is lining up stations for 1941 baseball broadcasts of both minor and major league clubs in the East. Company will again sponsor broadcasts of the Boston Red Sox games on the Colonial Network, and all the games of the Eastern League for which it has exclusive radio rights. Contracts for broadcasting games in Scranton on WARM, in Williamsport on WRAK and in Albany on WABY have already been signed, and arrangements are being completed for airing games in Elmira, Hartford, Binghamton, Springfield and Wilkes-Barre, the remaining Eastern League cities. The total number of stations that will carry the baseball broadcasts has not been determined, according to N. W. Ayer, New York, the agency.

BMI Expands Offices

BROADCAST MUSIC Inc. has leased another floor in its headquarters at 580 Fifth Ave., and thus becomes the largest office space tenant in the Empire Trust and Brentano buildings in New York. BMI now occupies a total of 22,425 square feet. The new quarters, comprising 9,100 additional square feet, will be arranged to accommodate needs of its operations.

Profits by BMI

BMI tunes, financially as well as artistically, have proven a huge success for Jack Teter, conductor of the *Song Doctor* on WTMJ, Milwaukee. The program consists of answering questions and solving problems submitted by listeners by singing appropriate songs. Failure to provide a satisfactory answer nets the listener a cash prize. In checking over the box score for January, using BMI tunes exclusively, Mr. Teter found payments totaled $34, whereas he paid out $41 in December using ASCAP tunes.

Decision Curtails Union Regulation

But Hope Is Still Seen for Other Union Prosecutions

REGARDED as far-reaching in connection with the Justice Department's anti-trust campaign, which on recent occasions has involved the American Federation of Musicians, the Supreme Court on Feb. 3 handed down a decision indicating that under the Sherman anti-trust act the Government can legally prosecute labor unions conspiring with non-labor groups to restrain trade. Although the court decision held, by a 5-2 majority, that disputes between labor unions do not come within the Act, it also indicated that freedom from the criminal provisions of the monopoly law applied only "so long as a union acts in its self-interest, and does not combine with non-labor groups".

Indictments Dismissed

The court, in an opinion written by Justice Frankfurter, with Chief Justice Hughes and Justice Roberts dissenting sharply, sustained dismissal of indictments by the Eighth Circuit Court of Appeals against W. L. Hutcheson, president, and three other officers of the AFL United Brotherhood of Carpenters & Joiners. The case involved a jurisdictional dispute between this union and another AFL affiliate, the International Assn. of Machinists.

The majority opinion took the view that jurisdictional conflicts while intensifying industrial strife, had marked the evolution of craft unionism and had been one of the strong forces in the modern development of industrial unions, and did not call for application of the Clayton Act to unions. It was taken to indicate an exceedingly broad construction of powers within the scope of labor unions. Under the ruling it was indicated that the courts must stand aloof in cases of jurisdictional disputes, and if machinery existed to settle these disputes peacefully and was not used by one side or the other, the courts could not afford redress to the aggrieved union.

Just how this decision might affect future anti-trust proceedings against labor unions remained problematical to Washington observers. It was pointed out that if the decision turns out to be typical of Supreme Court opinion on the various precepts of union operation cited in 1939 by Assistant Attorney Thurman Arnold, it may knock the props from under the whole Justice Department anti-trust campaign, so far as it applies to labor unions. However, it also was pointed out that the case involved only two unions and not a conspiracy between a union and a non-labor group, a factor forming the probable basis of any projected action against AFM. Indications in the decision that the latter situation would be prosecutable are taken by some observers to compensate for this initial blow to Justice Department plans.

Purported illegal operations of unions cited by Mr. Arnold Nov. 20, 1939 [BROADCASTING, Dec. 1, 1939] included: Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods; those designed to compel the hiring of useless and unnecessary labor (regarded as particularly apropos in the musicians' situation); those designed to enforce systems of graft and extortion; those designed to enforce illegally fixed prices; those designed to destroy an established and legitimate system of collective bargaining.

NO FORMAT change is contemplated for the weekly NBC Tony Martin program from Hollywood. So J. D. Nelson, executive vice-president of Andrew Jergens Co., sponsor of the program, assured this group at a recent luncheon conference. Present were (l to r) Nelson, William N. Robson, radio director of Lennen & Mitchell, servicing the account; L. M. Rothenburg, Pacific Coast operations vice-president of Andrew Jergens Co., and Samuel C. Pierce, Hollywood manager of Lennen & Mitchell.

Belo Is Sustained In Wage Decision

Court Overrules Government In Texas Contract Case

ON THE HEELS of a Feb. 3 Supreme Court decision upholding constitutionality of the Fair Labor Standards Act, Federal Judge William H. Atwell in Dallas on Feb. 4 held that firms paying wages or salaries equaling or exceeding minimums required under the wage-hour law in pursuance of genuine contracts are complying with the Act, regardless of methods of payment.

The Federal court's ruling in the Texas case denied a petition by the Wage & Hour Division of the Labor Department for a restraining injunction against A. H. Belo Corp.—owning WFAA, Dallas, and a half-interest in KGKO, Fort Worth, and publishing the *Dallas Morning News*—to stop alleged violation of the Act.

Overtime Method

In addition to denying the injunction, Judge Atwell sustained Belo Corp.'s petition for a declaratory judgment on the legality of its methods of paying employes. Although no official announcement had been made by the Wage & Hour Division as BROADCASTING went to press, it was understood the decision would be appealed.

The wage-hour agency contended that Belo Corp. was not computing overtime in accordance with provisions of the Act, holding that wages and overtime should be based on a computed hourly wage despite a specification of wage in a contract with employes which provided for a weekly guaranteed sum as salary. Judge Atwell, though holding that the corporation was in interstate commerce and thus covered by the Federal law, held that its method of paying wages and overtime did not violate the Act because it had paid more than the statutory minimum as well as adequate overtime wages. Wage-hour counsel had stated before the decision that an adverse judgment would virtually nullify the Fair Labor Standards Act "in many of its phases."

Testimony indicated that before the start of the wage-hour law the employes of the company not under union contract entered into individual contracts with the corporation. The contracts called for basic hourly rates of pay for the first 44 hours of work per week, as required the first year the law was in effect, 42 hours for the second year and 40 hours the third year, with no less than time-and-a-half for excess hours. The contracts also stipulated that an additional amount, in many cases, would be granted as a bonus to arrive at a guaranteed weekly rate of pay.

COAST BARD WEEPS

Music Imbroglio Inspires a Sympathetic Muse

MIKE FRITE, writing in the radio section of a recent edition of the *San Francisco Shopping News*, had this to say re BMI and ASCAP:

BMI and ASCAP
Marching on to war,
Hurling pretty epithets
And pamphlets galore.

Buck and Neville Miller,
Groping for their swords;
Draped in super loin cloths
They fight with bitter words.

Poor old John Q. Public,
Caught amidst the fray
Gets it in the eardrums—
Direct and ricochet.

BMI Tunes at Top

LATEST compilations of sheet music and record sales show that throughout the country eight out of ten best selling tunes are numbers published or licensed by BMI, this organization reports. Total sales of BMI music for the week ended Feb. 1 reached the 130,000 mark, seven or eight times the average normal weekly sales of any leading publisher. This disproves, according to BMI, ASCAP's theories that "playing songs on the air ruins sales of sheet music and records" and that "only ASCAP writers can write hit songs".

MONOPOLY ACTION IN MARCH LIKELY

CONSIDERATION by the full FCC of the Network Monopoly Report probably will not come until early March, with the FCC Law Department still drafting the preliminary findings. Oral arguments on the report were submitted last December, with final supplementary briefs placed in the Commission's hands Jan. 2.

Robert Cooper, special assistant to the FCC general counsel and former Department of Justice Anti-Trust Division attorney, is devoting his attention to the report. Also assigned to this work is Seymour Krieger, Broadcast Section attorney, formerly of the Anti-Trust Division.

While there is serious discord on the FCC on the report of the Network Monopoly Committee, which caused such a furor last summer, it was thought the Commission will be inclined to compose its differences and act rather swiftly, once the findings are before it. Commissioners Walker and Thompson, members of the Network Monopoly Committee, favor drastic regulation of all phases of commercial radio and apparently have the vigorous support of Commissioner Payne. Commissioners Craven and Case do not take this extreme view and are inclined to question the authority of the Commission to invoke the type of regulation proposed. Chairman Fly has not indicated his attitude.

Lye Spot Drives

PENNSYLVANIA SALT MFG. Co., Philadelphia, the last week in January and the first week in February started a schedule of five and six-weekly one-minute live and transcribed announcements on behalf of three of its products, Lewis Lye, Eagle Lye and American Indian Head Lye. Stations selected to promote the various lyes are Lewis' Lye WMT, KRNT, WNAX, KFAB, WIBW, WHKC; Eagle Lye KWTO, KWKH, WNOX, KRRV; American Indian Head Lye, KTSA. Contracts are for 13 weeks. Agency is Sherman K. Ellis & Co., Chicago.

Spots for Baby Chicks

CORN BELT HATCHERIES Inc., Joliet, Ill. (baby chicks), on Jan. 29 started a test campaign of three weekly one-minute live announcements on WROK, Rockford, Ill.; WMRO, Aurora, Ill.; WLS, Chicago; WIND, Gary, In.; and three weekly five-minute local talent programs on WDZ, Tuscola, Ill. Contracts vary from 24 to 26 times. Agency is E. H. Brown Adv. Agency, Chicago.

Peer's Coast Office

RALPH PEER, head of Southern Music and Peer International, has established West Coast offices at 1586 N. Vine St., Hollywood, with Nat Freyer in charge as manager. Peer is currently in Mexico to acquire new music for his BMI catalog. Two of the firm's current song numbers, "Frenesi" and "Perfidia," are listed in the first ten best sellers. Peer has also acquired English rights of "Do I Worry," popular tune, released through Melody Lane Inc., Hollywood music publishers.

You're Just in Time for the BOOM!

As Pockets Jingle in Hartford, WNBC Joins Basic Blue Network — Goes to 5,000 Watts

There's a River of Gold in New England . . . and *Hartford's* in midstream!

Hive of industry, swarming with defense orders...Center of commerce, with *new* money swiftly circulating...that's Hartford, heart of Connecticut, *now!*

So to 5,000 watts goes WNBC. To full-fledged membership in the NBC Basic Blue Network goes WNBC . . . to give you the coverage that only WNBC can give you.

Like figures—? Look at these: 124,200 radio homes in WNBC's primary area—Another 248,500 in WNBC's secondary area—And the primary zone *alone* makes up America's 37th market for *your* product.

There's a River of Gold in New England . . . *wade in!*

NATIONAL REPRESENTATIVES: HEADLEY-REED CO.
NEW YORK • CHICAGO • ATLANTA • DETROIT

WNBC
HARTFORD

1380 KC... 5,000 WATTS DAYTIME C. P.
1,000 WATTS NIGHT
Member NBC Basic Blue Network...

Sales thru the air with the greatest of ease

ACA Revamping Broadcast Setup

Union Consolidates Its Locals East of the Mississippi

AMERICAN COMMUNICATIONS Assn., CIO union, has reorganized its Broadcast Department, consolidating all locals east of the Mississippi into a single group known as Broadcast District Local 1.

Nominating petitions for chairman and executive secretaries have been sent to the membership, which recently voted overwhelmingly in favor of the reorganization, and when the nominating period of 30 days is past ballots will be distributed, so that the election of the new officers will be completed about the middle of March. In addition to these officers, the local's executive committee will include the chairman of each branch.

Membership Drive

Following this reorganization, ACA will launch a membership drive among employes of radio stations, it was stated, and Graham Dolan, former newspaperman who was active in the Newspaper Guild strike against Hearst's *Chicago Herald & Examiner*, has been engaged as chief organizer for the Broadcast Department.

ACA strike against WOV, New York, is being continued, although picketing was stopped some weeks ago and union members permitted to go back to work for WOV, ACA reports. It is continuing its boycott of Bulova watches while pushing its case before the National Labor Relations Board, asking the board to order WOV to reinstate all strikers.

Union reports that it recently obtained $599 from the station for three employes who, ACA alleges, were discriminated against prior to the strike. Payment was made in accordance with a court order issued by Justice Aron Steuer of the New York Supreme Court following lengthy litigation, the union states. ACA is now starting action to compel WOV to pay overtime to 16 employes who were, the union charges, forced to work 40 hours a week instead of the 35 called for in their agreement and were not given any increase in pay for the extra hours. Sum involved is about $3,000, the union says.

Horlick Test for Boost

HORLICK'S MALTED MILK Corp., Racine, Wis., on Feb. 17 starts a 26-week test campaign of *Superman* on WLW, Cincinnati, and WENR, Chicago, for Boost, chocolate-flavored malted milk powder, which previously had distribution only through drug stores but is now being promoted for all grocery outlets. Quarter-hour transcribed programs will be released five times weekly. If successful, stations in the following markets will be used in the fall: Chicago, Boston, Pittsburgh, Cincinnati, Columbus, Cleveland, Philadelphia, Dayton, Hartford, New York, Indianapolis, Providence, Detroit. Agency is Erwin, Wasey & Co., Chicago.

CHANGES IN CANADIAN ASSIGNMENTS

Under Havana Treaty Readjustments

ONLY eleven changes in frequency assignments under the Havana Treaty, as against eight in the United States, were effected for Canadian stations at the Continental technical conference held in Washington Jan. 14-30 to iron out conflicts which occurred under the original notifications last fall, and becoming effective March 29.

These changes in frequency and power classifications, disclosed by the Radio Branch of the Department of Transport in Ottawa, constitute the only deviations from the list as published in the Oct. 15, 1940 issue of BROADCASTING and republished in the 1941 *Yearbook* [Page 80]. Mexican and Cuban allocations have not yet been approved, and therefore cannot be published until officially released in Mexico City and Havana, respectively.

The Canadian changes are as follows:

Call Letter and Location		*From*	*To*	*Power in watts*	*Class*
CFRN	Edmonton, Alta.	1340 kc.	1260 kc.	1,000	III-A
CKOV	Kelowna, B. C.	560	630	1,000	III-A
CJRC	Winnipeg, Man.	610	630	1,000	III-A
CJCA	Edmonton, Alta.	630	930	1,000	III-A
CHAB	Moose Jaw, Sask.	1230	1220	1,000	II
CKBI	Prince Albert, Sask.	1240	900	1,000	II
CJBR	Rimouski, Que.	1300	900	1,000	II
CHML	Hamilton, Ont.	1310	900	1,000da*	II
CFPL	London, Ont.	1400	1570	1,000da*	II
CBY	Toronto, Ont.	1450	1010	1,000da*	II
CKAC	Montreal, Que.	900	730	5,000	II

*da means directional antenna.

Information Service Formed For Clear-Channel Promotion

Victor A. Scholis Is Selected as Director of New Enterprise, With Headquarters in Washington

FORMATION of the Clear Channel Broadcasting Service, with Victor A. Scholis, former public relations chief of the Department of Commerce, as its director, was announced Feb. 10 by a committee representing independently-owned clear-channel stations. Mr. Scholis will establish an information office in Washington, the primary function of which will be to seek the preservation of clear channels as a means of providing broadcast service to rural and remote listeners."

Mr. Scholis

Cognizant of efforts being made to break down the remaining 26 clear channels, on which no duplication is permitted at night, owners of such stations recently authorized active steps to thwart the movement. A committee headed by Edwin W. Craig, WSM, Nashville, chairman of the Clear Channel Group; Mark Ethridge, WHAS, Louisville, and Harold V. Hough, WFAA - WBAP, Dallas - Fort Worth, evolved the information office plan. Mr. Scholis was retained at a meeting held in Nashville Feb. 4 after approval of the project by member stations.

"Since 81.7% of the United States is solely dependent upon clear channel broadcasts for radio reception at night," said Mr. Craig, in announcing the project, "the importance of this type of station is obvious. Without these stations, all the residents of this tremendous portion of our country would be living in a radio 'black-out'.

A Radio Blackout

"Under the Treaty entered into by the United States, Canada, Mexico and Cuba, the principle of clear channels assumes additional importance. The United States has been assigned exclusive use of 25 such channels in the agreement. Unless these channels are used as prescribed in the Treaty—only one station at night to a channel—the United States loses its priority on the channel. Our neighboring countries would then be entitled to set up stations on these channels.

"This would mean that many American radio listeners would be denied the chance to hear broadcasts at night. It is our hope that our service will acquaint the millions of American radio listeners with the stake they have in preservation of clear-channel broadcasting."

Mr. Scholis, 30, is a native of Chicago and a 1931 graduate of the University of Illinois. While an undergraduate, he was news editor of the *Daily Illini*, campus newspaper. After college, he joined the *Chicago Times* as a reporter, becoming its political correspondent and traveling with Roosevelt and Landon in the 1936 campaign. He was called to Washington in 1938 as public relations assistant to Harry Hopkins, recently resigned Secretary of Commerce. Mr. Scholis on Feb. 1 resigned his pres-

(*Continued on page 45*)

Bulova Shakes Up WOV's Personnel

Rogers and Linton Are Out; Six Hours of Evening Music

IN A SHAKEUP of top personnel of WOV, New York, the resignations of Naylor Rogers as general manager and Ray Linton as sales manager of the Bulova-owned station were announced Feb. 7 by Harold A. Lafount, general manager of Bulova broadcast operations. Messrs. Rogers and Linton joined the station Jan. 1.

Hyla Kiczales, former manager of WOV, named assistant to Mr. Rogers upon his appointment, left Feb. 7 for a month's vacation. Whether she would return to the station executive staff was problematical.

Lafount in Charge

Mr. Lafount himself is expected to assume temporary charge of the station, with managers of other Bulova stations assisting him. It is expected Arthur Simon, manager of the Bulova-owned WPEN, Philadelphia, will go to New York temporarily as Mr. Lafount's chief aide. The resignations of Stuart Buchanan, who joined WOV as program director in mid-December, and of John B. Meakin, named musical director at that time, also have been announced. It was reported the staff orchestra will be dismissed and that musicians will be engaged on a week-to-week basis.

Arde Bulova, watch manufacturer and owner of WOV, has announced that Alan Courtney, currently announcing an early morning program of recorded music on WMCA, New York, would join WOV Feb. 10 as evening program manager. Simultaneously, he announced a new evening program schedule of popular music, interspersed with news, which will run from 6 p. m. to midnight, with Mr. Courtney as m. c.

Mr. Bulova now plans personally to supervise the operation of his stations. Other stations in the Bulova group, in addition to WOV and WPEN, are WCOP and WORL, Boston; WELL, New Haven; WNBC, New Britain. Mr. Bulova has indicated plans to form a Philadelphia to Boston network, to be known as American Broadcasting Co.

Mars Idea Series

MARS Inc., Chicago, currently sponsoring *Dr. I. Q.* on 91 NBC-Red network stations, on March 1 starts *What's Your Idea* on 2 NBC-Red stations, Sundays 5:30-6 p.m. (CST), for same product, Forever Your's candy bars. Program will feature Ted Fio Rito's orchestra, Little Jackie Heller, a female chorus and guest stars. As a public participation tie-in listeners will be asked to submit their ideas on what they consider good radio programs. Each week three ideas will be selected—a comedy, a dramatic and a novelty program—and produced in abridged form, for which idea-submitters will receive $100 each. In addition the public will be asked to vote on its choice as the week's best and an additional $100 will be awarded to the author of that idea. Contract is for 52 weeks with no summer lay-off anticipated. Agency is Grant Adv., Chicago.

Here's Another 50 kw FM Transmitter Launching by REL

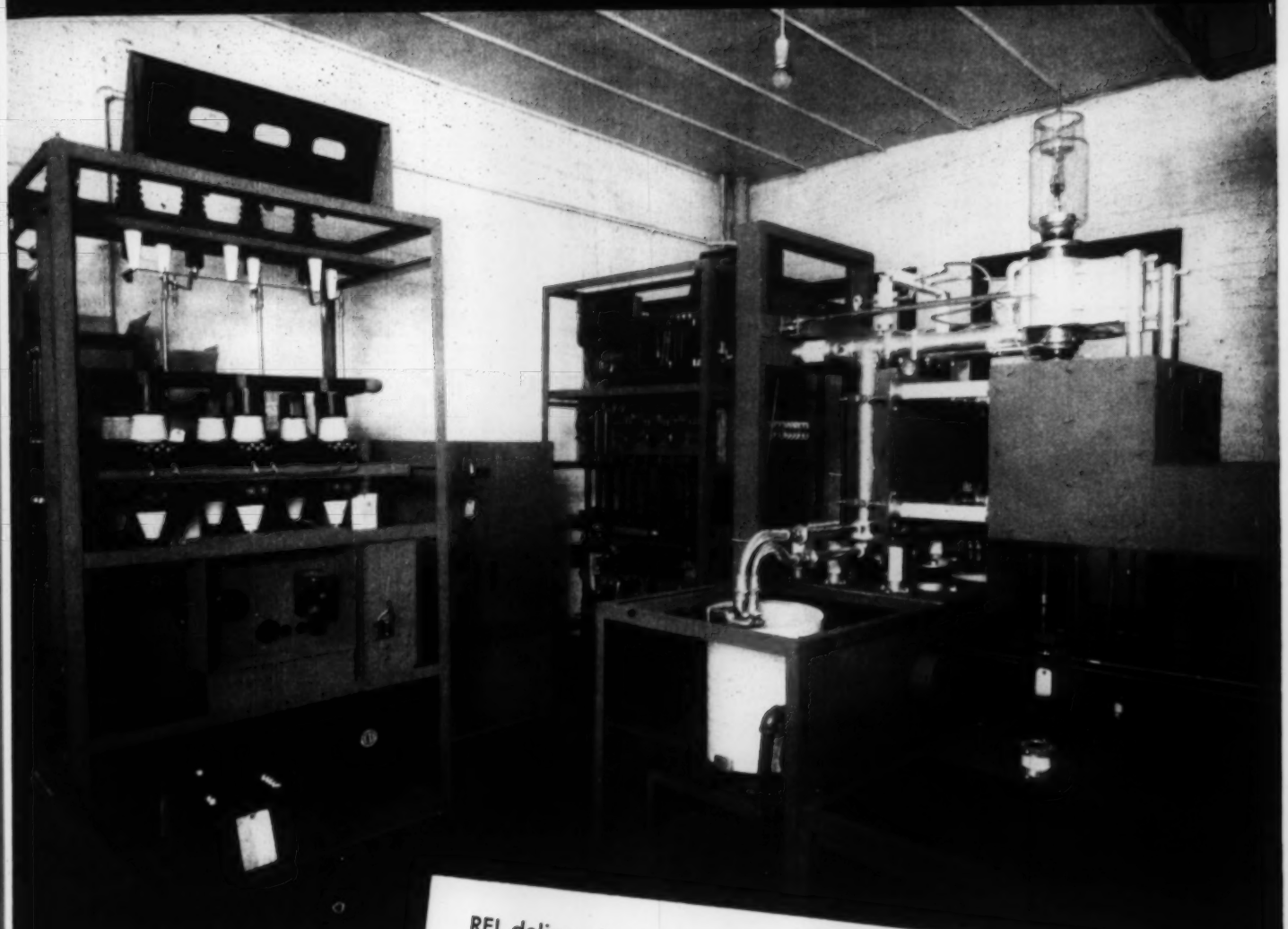


Photo of the REL 50 kw FM transmitter just completed and ready for delivery to W45D, The Detroit Evening News.

REL delivers its 50 kw FM transmitter to The Detroit Evening News which joins Major Armstrong's Alpine and Yankee Network's Paxton stations as the only high powered FM broadcasters in regular operation. Because of industry-wide recognition of dependable delivery and quality of REL FM transmitters, there are more REL-equipped FM stations today than the combined number of all other FM manufacturers. REL invites your investigation of its FM transmitters . . . and urges you to join the rapidly growing list of satisfied REL broadcasting clients.

RADIO ENGINEERING LABS., INC.

Long Island City, N.Y.

Progress in Child Programs Noted by Mrs. Lewis in Tour

Suggestions for Further Improvement Offered in Address Before Group of Organized Women

"RADIO has taken a splendid stand in establishing standards for children's programs and individual stations are making sincere efforts to abide by these regulations," according to Mrs. Dorothy Lewis, national radio chairman of the National Society of New England Women and vice-chairman of the Radio Council on Children's Programs.

Mrs. Lewis addressed representatives of a score of women's and other organizations interested in this phase of broadcasting at a Feb. 4 meeting at the Hotel Roosevelt, New York. Following a luncheon tendered by the Code Committee of the NAB, Mrs. Lewis delivered an "interim" report on a tour of the country she made last year in the name of the Radio Council and the NAB to find out the real status of children's programs.

Ignorant of Code

Traveling 23,500 miles—15,000 by car and 8,500 by rail—Mrs. Lewis visited 168 cities in 39 states; called on 341 radio stations, making more than 60 broadcasts and meeting some 1,200 broadcasters; held 89 conferences in key cities, contacting about 5,000 club and civic leaders, and distributed 54,000 copies of the NAB code and "ABC of Radio" pamphlets. Women generally were ignorant of the code, she found, only 60 out of the 5,000 leaders having previously heard about it.

From the stations visited and 144 more contacted by mail, Mrs. Lewis estimates there are some 1,800 children's programs on the air each week. About 12% of stations carry no children's programs; another 8% depend entirely on the networks for their juvenile material; most stations present some children's programs of their own.

All broadcasters agree, Mrs. Lewis reported, that transcriptions are the best answer for children's programs, so they may be broadcast at times suited to each locality's school hours and other conditions varying widely. Many advertisers are already using transcribed children's programs, she said.

Many conferences have been held with agency executives who are cooperating with the Council in improving children's programs, Mrs. Lewis stated. She cited as outstanding the cooperation of General Mills and its agency, Knox Reeves, which last year made a definite effort to inject historical and geographical material into the scripts of *Jack Armstrong*, juvenile serial sponsored by General Mills. The revised program "should be a bellwether to other commercials," Mrs. Lewis stated, "since it appeals to child, parent and educator and yet does an effective job for the sponsor." She added that the program has risen 10 points in its Crossley rating and is at the peak of its popularity.

Apart from its own program, General Mills is also aiding in research in children's programs, she revealed, stating that this company has made a grant of $4,000 to Iowa U for research conducted by the school's radio division, which is producing 12 programs a week for juvenile entertainment.

Her Conclusions

Mrs. Lewis wound up her talk by presenting the following conclusions for consideration:

1. That every local station devote at least a half-hour every day between 5 and 6 p.m. to children's programs, either live or by transcription; to attempt to commercialize said programs; that additional programs be developed for Saturday and Sunday.
2. That the broadcasting industry consider the idea of lower time rates for children's programs broadcast before 6 p.m. on the assumption that programs directed to children represent an element of public service and are directed to a minority group.
3. That to meet difficulties of time changes, more programs be presented by transcription during children's listening time, that networks develop some technique whereby their live programs are available for their affiliates; that recording companies, in cooperation with Council, develop new series for sustaining and sponsored shows.
4. That there be more educational material in children's entertainment shows and more showmanship in educational programs.
5. That as there is a trend away from the serial type of program to quiz shows, story tellers and public participation shows, that other programs can be devised.
6. That more programs be developed to appeal to the child's sense of humor.
7. That a program dealing with Democracy in America or the American Way interpreted through history be developed as a national feature, including material now available throughout the country.
8. That national advertisers utilize more of the successful local children's programs at reasonably low cost.
9. That such organizations as the American Library Assn., the AAA, and the Junior League National Assn., provide their local groups with transcriptions after due consideration of present available material.

Constructive Criticism

10. That State Music Teacher Assns. throughout the country discourage the practice by local teachers to teach only popular music, without giving proper attention to fundamentals of technique and repertoire.
11. That educators be encouraged to make constructive criticism of children's radio programs rather than the purely analytical.
12. That sponsors of serial programs during the late afternoon hours be made conscious of the fact that children listen to these programs, when regular children's programs are unavailable.
13. That large stations or networks employ promising script writers to experiment with techniques, using transcriptions on small local stations for workshop purposes.
14. That mothers must recognize their responsibility in editing their children's listening, thus cooperating with the efforts of the radio industry.

GOODNESS ME, the microphone's nearly as big as this Southern belle, who's indicating interest in radio at a mighty tender age. The lady is Gale Batey, and her daddy is a newscaster of WSB, Atlanta.

Radio cannot be expected to bring up the American Youth.

15. That women's groups cooperate with the radio industry in furthering worthwhile programs and extend said cooperation to a practical point of buying sponsors' products. Such groups should publicize the good programs and enlist support of individual members.
16. That all women's groups follow the alert present leadership of a scattered few, to avoid unnecessary use of the air until more study and knowledge gives them adequate qualifications for production and script writing.
17. That women's groups attend radio classes wherever provided in schools and universities to learn more about the industry.

Setting New Trends

18. That women's groups develop courses of study within their organizations on various phases of the industry, Code, etc.
19. That local women's groups solicit the cooperation of newspapers to carry accredited lists of children's programs.
20. That local boards of education be congratulated for their fine cooperation with the industry in most parts of the country.
21. That the radio industry gather together leaders in the industry to discuss from an impartial standpoint how radio can better serve American public in the next 20 years, to set trends and policies.
22. That networks maintain one 15-minute period, late afternoon, for experimentation, giving ample notice to their affiliates of the plan, rotating good programs for 13-26 week periods as one method of testing children's acceptance.
23. That more broadcasters present a variety of programs on different days, rather than fill the children's hour with serials across the board. Children appreciate the opportunity for selectivity.
24. That crime and gangster programs be broadcast at late hours for adult and young people's consumption.
25. That stations develop a preschool age or kindergarten program to be broadcast during the morning, with advertising addressed to the mother consumer.
26. That advertising agencies and stations exercise care in selecting trained persons to check program material that is presented by the public. That said organizations and their clients recognize good material from any source, rather than to cling to the established rule that account executives and radio departments should have all the answers.

FCC Would Give WWRL Fulltime

Brooklyn Decision to Delete Both WMBQ and WCNW

MOVING to adjust a long-standing controversy involving the use of the 1500 kc. frequency by three Brooklyn stations, the FCC on Feb. 5 announced a proposed decision eliminating two time-sharing stations and authorizing fulltime operation of WWRL, Woodside, L. I. Under the proposed decision, renewal and modification applications for WMBQ and WCNW, the two other stations sharing time on 1500 kc., would be dismissed with prejudice and WWRL given their operating time.

In addition, an application for construction permit by Lillian E. Kiefer, Brooklyn, would be dismissed with prejudice and another by Paul J. Gollhofer, Brooklyn, would be denied. The various applications have been involved in FCC proceedings as far back as February, 1937.

Violations Claimed

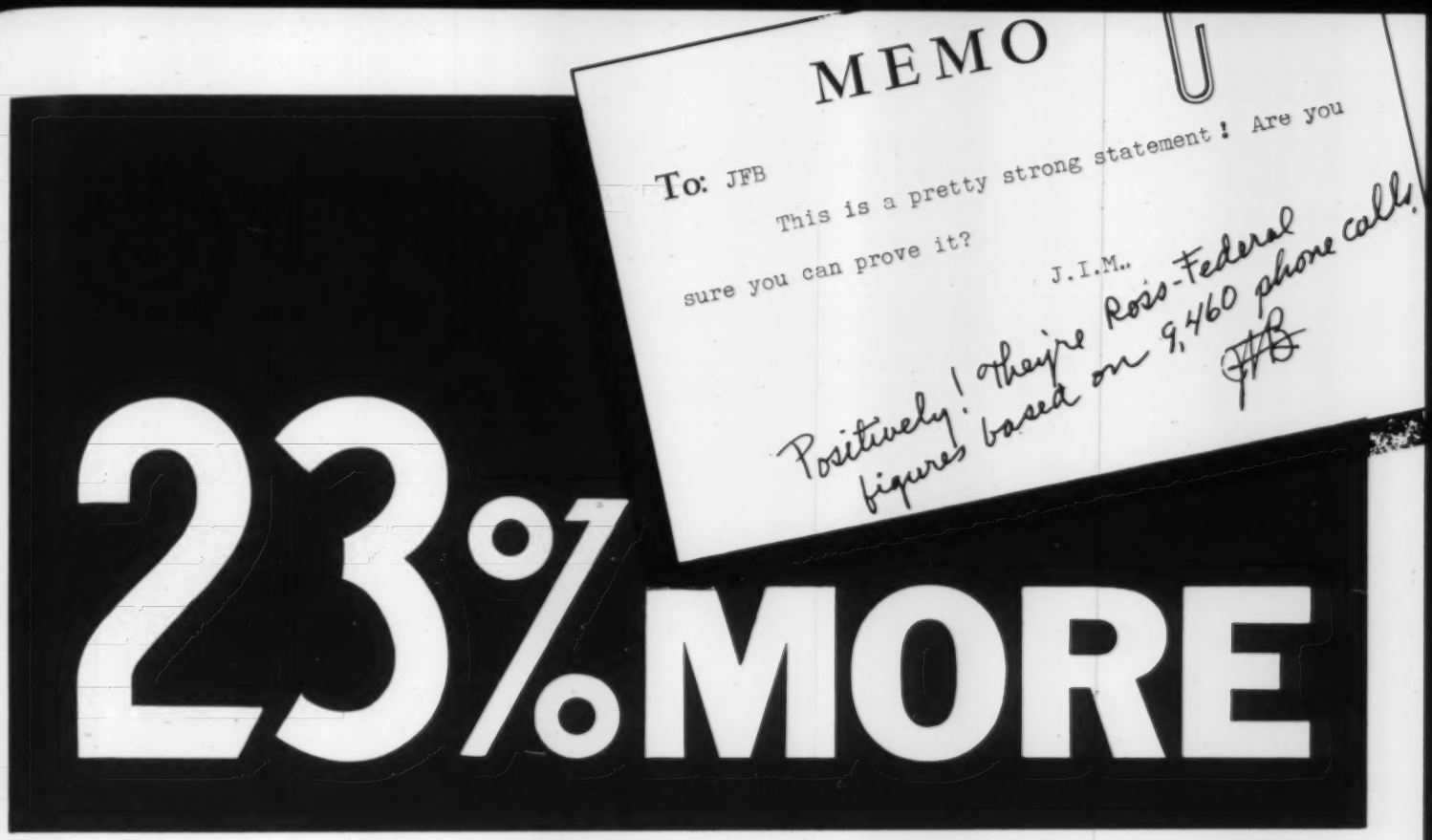
In a digest of its proposed findings the FCC held that Metropolitan Broadcasting Corp. had failed to offer evidence in support of its application for renewal of the WMBQ license; that Lillian E. Kiefer failed to offer any evidence in support of her application for construction permit requesting the facilities of WMBQ; that Paul J. Gollhofer, in support of his application for a construction permit on WMBQ facilities, failed to prove his qualifications for operating WMBQ in the public interest.

The proposed findings also stated that Arthur Faske, licensee of WCNW, "has operated, and permitted said station to be operated, in violation of the terms of the license theretofore issued to him by this Commission for the operation thereof, and the Commission's rules and regulations, and has failed to sustain the burden of proof that the granting of his application for renewal of license of said station and the continued operation thereof will serve public interest, convenience and necessity".

Under the proposed findings Long Island Broadcasting Corp., licensee of WWRL, would receive a license renewal along with authorization to utilize the hours of operation formerly allocated to WMBQ and WCNW, thus granting both applications of the licensee.

New Copyright Protection Society

INCORPORATION papers have been issued by the New York Secretary of State to the American Copyright Protection Society, formed at 67 W. 44th St., New York, to handle copyrights and promote original and public domain musical compositions. Andrew Weinberger, New York, is the attorney for the Society, further details of which have not yet been released.


MEMO
To: JFB
This is a pretty strong statement! Are you sure you can prove it?
J.I.M.
Positively! Those Ross-Federal figures based on 9,460 phone calls!
JFB
23% MORE

persons will listen to WKY today, tomorrow, or any day in Oklahoma City than to all THREE other stations combined!

WKY

NAB Code Group Tells Executives About Operation

New York Clubs Hears Details; Committee Holds Meeting

TRIBUTES to the NAB Code as a practical standard of ethics for networks and independent stations alike were paid by broadcasters speaking Feb. 4 when the Radio Executives Club of New York devoted a session to the commercial section of the code.

Members of the Code Committee, guests at the luncheon following a two-day session during which the complete code was discussed in detail, gave a brief explanation of provisions and answered questions.

Edgar Bill, WMBD, chairman of the Code Committee, said that a subcommittee, consisting of Henry P. Johnston, WSGN, and J. O. Maland, WHO, had been appointed to work out maximum lengths of commercial copy for programs of 5, 10 or 25 minutes, in line with the Code's present time limitations on commercials in quarter-hour, half-hour and hour broadcasts. The subcommittee will make its recommendations to the full Code Committee prior to the NAB Convention in May, he stated, so that the convention may include these recommendations in the Code.

Mrs. Lewis Commended

The committee also adopted a resolution commending the work of Mrs. Dorothy Lewis of the Radio Council on Children's Programs in her tour of the country (See story on page 18) and calling this work to the attention of the NAB board of directors so an appropriation may be set up for continuance of this work. No other action was taken by the Code Committee, it was reported. The Code had withstood the test of a year and four months actual operation with a minimum of complaints, it was indicated, making revision unnecessary except for certain refinements of the commercial section which became effective only on Oct. 1, 1940, a year later than the rest of the Code.

Mr. Bill opened the session at the Radio Executives Club by stating that the Code has succeeded because "it means better radio for the listener and what ever is better for the listener is, in the long run, better for the advertiser." Ed Kirby, NAB secretary of the Code Committee, pointed out that unlike the Hays code of the motion picture industry, the NAB Code is enforced only through the voluntary compliance of broadcasters responsible only to the FCC.

Gilson Gray, CBS, stated that the copy limitations of the Code had caused CBS no trouble, that advertisers had cooperated wholeheartedly, and that commercial copy in daytime shows is shorter than required. The results, he said, have enhanced listener response.

Calvin J. Smith, KFAC, said that three years ago the 15 stations in Los Angeles County formed their own code, which increased both gross incomes and standing in the community. Asked to speak for station representatives, F. Preston Peters of Free & Peters said that while decisions as to acceptable copy must always rest with the broadcasters themselves, the representatives are "thoroughly and enthusiastically" back of the Code.

The full Code Committee attended the New York meetings. Its members are: Mr. Bill, chairman; Mr. Kirby, secretary; Mr. Gray; Mr. Smith; Earl J. Glade, KSL; Hugh A. L. Halff, WOAI; Henry P. Johnston, WSGN; J. O. Maland, WHO; Frank Mullen, NBC; Theodore C. Streibert, MBS. Russell Place, NAB counsel, and Arthur Stringer, NAB promotion director, also attended.

British Radio Bombproof, Bate Claims, Describing How Radio Reporters Work

GERMAN raiders might bomb every broadcast outlet in England, but still broadcasting would go on, according to Fred Bate, NBC London representative who returned to New York Jan. 31 on the *Yankee Clipper* for a six-week leave of absence. Mr. Bate, who was wounded in a bombing raid Dec. 8, plans to return to his post after resting and visiting with his family in Mexico.

Every transmitter has one or more auxiliaries, he explained. When raider alarms come through, the regular broadcast outlets shut down to prevent being used as finders by the invading planes. Thus far practically no British broadcasting stations have been hit, though Broadcasting House itself was damaged, but not too badly, by a bomb which struck it in October and killed seven employes.

Wounded in Raid

Mr. Bate was severely wounded the night of Dec. 8 in his office-apartment house near Broadcasting House. "I was sitting down to write my broadcast," he said, "when the bomb hit. Geofrey Toye, BBC music conductor, had just entered the door and I was getting up to greet him. When it hit all London seemed falling into the room.

"My only thought was that there was a fire going in the open grate and that it would burn down the building. Instead, everything was sucked down the chimney by the concussion. Neither Toye nor Florence Peart, my secretary, was injured."

Mr. Bate was injured in the left arm and shoulder and left side of his face, and the tendons of his left ear were severed. He was taken to Middlesex Hospital, but was not unconscious at any time.

Every cooperation is given American radio reporters by the BBC, Mr. Bate stated, and they do their broadcasts from underground studios in Broadcasting House. Newspapers of London, though their advertising has been greatly reduced and they are publishing with fewer pages under restricted paper rations, seem to be getting along all right, he said, for they have cut down the number of editions and increased their rates substantially.

BACK HOME after a long tour of duty in England came Fred Bate, NBC London representative (right), to be met Jan. 31 as he emerged from the *Yankee Clipper* at LaGuardia Field in New York by John F. Royal, NBC vice-president in charge of international relations and new developments.

Bate made an off-the-record speech at a luncheon of the National Press Club in Washington Feb. 5, attended by several high Government officials including FCC Chairman James Lawrence Fly. After the talk he asked for questions from the floor. The first, asked by Paul Leach of the *Chicago Daily News*, was, "What's it like in London today?"

To which Bate replied "Let's ask them." A. A. Schechter, director of news and special events for NBC, had arranged a two-way conversation, which was not broadcast, with John McVane, Bate's assistant in London, Paul Archinard, NBC correspondent in Vichy, and American reporters in both capitals.

After talking with Bate, McVane and Archinard spoke to each other, their voices traveling across the Atlantic to the United States and thence back to Europe.

SCOOP FROM VICHY

World Gets Flash in Private NBC Radio Hookup

RADIO illustrated in dramatic form Feb. 5 the point of an editorial in BROADCASTING Jan. 1, which stressed radio's contribution to the press as a result of present conditions in Europe.

After an off-the-record speech by its London representative, Fred Bate, to the National Press club in Washington, NBC presented a two-way conversation for the audience from its staff members and American newspapermen in Vichy and London.

An AP correspondent in Vichy asked if there were any AP men present. Melbourne Christerson, newly-inaugurated president of the club and AP day editor in Washington, answered "present." The AP man in Vichy said he had been trying to get a bulletin about a cabinet meeting out of the capital of unoccupied France for a half-hour without success and "would you please make notes and put it on the wire." Christerson promised that he would see that the story was handled promptly.

POYNTER TO HEAD CULTURAL DIVISION

NELSON POYNTER, owner of WTSP, St. Petersburg, Fla., and publisher of the *St. Petersburg Times*, has been drafted as a dollar-a-year man to take charge of the press division of the committee to coordinate cultural relations among the American republics, headed by Nelson Rockefeller as part of the National Defense Council.

Mr. Poynter

Mr. Poynter takes over the duties originally assigned Karl A. Bickel, retired president of the United Press and former president of Scripps-Howard Radio. Mr. Bickel was named to head the press section at the same time that Don Francisco, president of Lord & Thomas, was designated to handle radio [BROADCASTING, Nov. 1, 1940]. Mr. Bickel was instrumental in drafting Poynter for the post and himself will continue as advisor to the press division.

Mr. Poynter will spend about three weeks each month in New York at the communications headquarters of the Rockefeller committee. His division is charged with the responsibility of removing barriers in the free flow of news, features and pictures between the American republics, stimulating interest in the news of both continents and encouraging inter-continental visits of newspaper editors and writers.

Pepsi-Cola Co. Testing, Plans Other Programs

PEPSI-COLA Co., Long Island City (soft drinks) is sponsoring an early morning quarter-hour recorded quiz program thrice-weekly on WABC, New York, called *Missus-Goes-a-Shopping*, featuring John Rud King as m.c. Portable recording equipment is taken to grocery stores in the metropolitan area and King quizzes shoppers, with gifts of groceries given away as prizes.

In addition, company is considering the placement of programs or transcribed jingles in New York, Philadelphia, Boston, and Pittsburgh markets, cities in which total advertising appropriation is assumed by Pepsi-Cola. The placement of transcribed spot jingles in other markets in cooperation with dealers is also under way through Newell-Emmett Co., New York, agency in charge.

Edwards Coffee Spots

DWIGHT EDWARDS Co., subsidiary of Safeway Stores, San Francisco (Nob Hill Coffee), Feb. 10 started an intensified spring campaign on approximately 20 stations in 18 major markets on the Pacific Coast and in the Midwest. Fifty-word spot announcements are used. The sponsor, a periodic user of radio, is using a considerably larger list of stations this year than during a similar campaign last year. Agency is McCann-Erickson, San Francisco.

WTIC's 50,000 Watts can give your product a terrific lift in the big Southern New England Market—if you'll just say the word.

Here is a station that is known and respected by the friendly people in this rich, farming and industrial area.

Per capita sales in WTIC's listening community are 52% above the national average. These people have money to spend for your product. Why not bring it to their attention through WTIC, the powerful voice which the citizens of Connecticut and the rest of Southern New England have learned to trust and heed?

WTIC
50,000 WATTS

DIRECT ROUTE TO AMERICA'S NO. 1 MARKET

The Travelers Broadcasting Service Corporation
Member of NBC Network and Yankee Network

Representatives: WEED & COMPANY, New York, Chicago, Detroit, San Francisco

Court Rulings Sharply Limit Appeals

Appellate Ruling Holds FCC Actions Almost Inviolate

APPEALS from decisions of the FCC in broadcast cases, whatever their nature, were made virtually futile by the U. S. Court of Appeals for the District of Columbia in a series of decisions handed down Feb. 3. In substance, the court held in divided opinions that unless the public interest would be adversely affected, and solely upon questions of law, it cannot overturn FCC actions whether relating to economic injury, electrical interference or other grounds.

The court majority held that it was without authority to issue stay orders, enjoining the Commission from making its rulings effective pending the determination of appeals. Heretofore, stay orders have been issued consistently.

Strong Dissent

The opinions, rendered in three cases involving petitions for stay orders, constituted another in the unbroken chain of FCC legal victories either before the Court of Appeals or in the U. S. Supreme Court. Joseph L. Rauh, youthful assistant general counsel of the FCC, argued the three cases before the appellate court. He was assisted in the research and preparation of briefs by Harry Plotkin and Benedict Cottone, of the FCC staff.

The majority opinions, written by Associate Justice Justin Miller, were concurred in by Associate Justice Wiley Rutledge. Associate Justice Harold M. Stephens strongly dissented, holding that stay orders properly should be issued by the court and that the FCC erred, as a matter of law, in not granting the parties involved preliminary hearings.

The decisions came in appeals by WCPO, Cincinnati, operated by Scripps-Howard Radio, from an FCC decision authorizing WCOL, Columbus, to operate on 1200 kc. with 250 watts power, which WCPO contended would sharply curtail its audience on that frequency; of KVI, Tacoma, Wash., from the FCC decision granting KIRO, Seattle, an increase from 1,000 to 10,000 watts, which it claimed would result in probable financial loss and possible economic disaster; and from the appeal of WSAY, Rochester, operating on 1210 kc., claiming electrical interference would result from a grant on that frequency to Watertown Broadcasting Co. (WATN). In each instance the appellants sought stay orders to prevent the FCC from making its decisions effective prior to adjudication of the appeals.

Coming on the heels of the momentous "free competition" opinion of the Supreme Court last year in the Sanders case, the new decisions are regarded as highly significant. Whether there will be efforts to have the Supreme Court review the decisions, in the light of the vehement dissents of Associate Justice Stephens, was questionable.

Denver Ruling

The court simultaneously decided a fourth case, granting the FCC's motion to dismiss the appeal of KVOD, Denver, from the decision authorizing a new local station (KMYR) in Denver. This ruling came in two opinions with Justices Miller and Fred M. Vinson handing down the majority opinion and with Associate Justice Henry W. Edgerton concurring in a separate opinion but holding that the FCC should have been sustained on both of its contentions, instead of only one.

The majority concluded that the KMYR grant fell within the rule of the Sanders case, but that it believed the appeal should be dismissed because the appellant was foreclosed from raising the questions it endeavored to present. It pointed out that KVOD could have petitioned the Commission for a rehearing in the case prior to reargument on the application of F. W. Meyer for the new station but that instead it took its chance that the Commission, on the whole record, would set aside the grant. KVOD, it said, could have moved to submit additional evidence concerning the purported changed conditions in Denver, resulting from modifications of licenses of two stations in the city, prior to the rehearing.

The court held that KVOD could not "sit back and wait until all interested parties who do so have been heard and then complain that he has not been properly treated". To permit it to stand aside and speculate on the outcome, and if adversely affected come into court for relief and then permit the whole matter to be reopened, "would create an impossible situation", the court said.

In the major cases, the majority held that it could not find anywhere in the Act any provision authorizing it to issue stay orders, thus upholding the Rauh contention. Moreover, it held that the failure of the appellants (in the WCPO and KVI cases) to request the Commission to stay its own orders, under the Act, "may very well have constituted a failure to exhaust administrative remedies". Even the anticipation that this would be futile, the majority held, constitutes no excuse for failure to seek such available administrative remedies.

Public Interest

The majority concluded that the yardstick of public interest was the only one that could be employed in reversing actions of the FCC. It pointed out that the Supreme Court decision in the Sanders case permits an appeal on economic grounds, but does not permit the court to decide the case on the economic factor alone.

Declaring that the legislative trend is toward restriction of the use of the injunctive process, the court said that where an administrative agency has made a determination in the public interest and where only a question of law is presented on appeal, the issuance of a stay order would seem to constitute unwarranted interference with administrative action.

Interpreting the Sanders case, the majority concluded the Commission is required to consider the question of financial injury and make findings on them only so far as it concerns the public interest. Thus, it said, such rights or interests are secondary, subordinate and unprotectable on appeal, and they must be equally unprotectable by a stay order pending an appeal.

Under Section 402(B) of the Act, the court held, no private interest can be presented to it, or considered by it, except as it may incidentally relate to some proper legal question affecting the public interest. That such private interest may be vitally affected or perhaps, in exceptional cases, destroyed as a result of the Commission's actions "is regrettable but unavoidable", it said. One who engages in an industry in which the public has a paramount interest, and in connection with which it withholds the privilege of appeal from administrative action, assumes these risks, the majority held.

The court ruled that in the absence of any legislation recognition of right and provision for appeal, one who suffers under such a law is able to show no more than a mere possible injury to the public. He must "look to the political process" for relief.

Correcting an Error

Looking at the matter realistically, the court said, it is probable —and Congress apparently realizes —"that even in case of an erroneous decision the Commission, working without judicial interference, would discover and correct the error more quickly and thus better serve the public interest, than would be true under the slow process of stay orders and judicial scrutiny."

In his lengthy dissent in the WCPO and KVI cases Justice Stephens held that the stay order petitions should be granted. After reciting the legal basis for these conclusions, he contended that the court has power to issue stay orders; that the stations are within the class of persons named in the statute as entitled to appeal, and that on the face of their petitions for stay orders and petitions for appeal, they have made such a prima facie case of erroneous action by the Commission in denying them a hearing as warrants the issuance of the stay orders.

Pointing out that the petitioners had requested hearings but were refused, Justice Stephens said that unless orders are issued staying the orders of the Commission pending the determination of the appeals, "irreparable harm to the public interest and to the private business of the petitioners will, as a result of the action of the Commission, be occasioned". Contrary to the conclusions of the majority, Justice Stephens said he thought that the Communications Act clearly evidences the intention of Congress to make the appellate jurisdiction of the court over orders of the FCC effective. Like the majority, he referred to the Supreme Court rulings in both the Pottsville and Sanders cases to substantiate his contentions.

Attacking the majority's view that the Commission cannot, either absolutely or presumptively, err in its ruling in respect of the public interest, Justice Stephens observed, "if the Commission can do no wrong, why permit an appeal?". It is clear, from a reading of the Sanders case, he argued, that the

(Continued on page 58)

ANOTHER 52-week renewal was good news to these principals of the *Romance of the Highways* sponsored on 29 Mutual stations in the West by Pacific Greyhound Lines, San Francisco. The smiles belong to (l to r) Arthur Van Horn, announcer; Comdr. A. W. Scott, principal; Bill Davidson, actor; Don Cameron, technician; Richard Holman, radio director of Beaumont & Hohman, agency in charge of the account.

Nttfterwwtbdc Inc.

UP IN the Northwest college folk have taken the lead in forming the No Third Term for the Cincinnati Reds, We Want the Brooklyn Dodgers Club Inc. While WDAY, Fargo, N. D., recently claimed a beat in interviewing North Dakota Agricultural College students credited with starting the organization, the WDAY staff is wondering whether Don Elder, WDAY sports director, did not inspire the club. The NTTFTCRWWTBDC Inc., now a WDAY baby, more or less, has been drawing considerable national publicity, including an AP story out of Cincinnati and a mention in the sports column of Eddie Brietz.

Can't Get "Game" . . .

WITH GREAT-GRANDPAPPY'S GUN!

Can't go a-gunning for new advertisers, either, without an adequate sales weapon.

What calibre programs are you offering prospective time buyers? Next time pack a sales weapon worthy of your "game" — NBC THESAURUS!

This "Treasure House of Recorded Programs" enables you to offer clients symphony, swing, "sweet" music, concert, hillbilly and novelty numbers — in short, the "big time, big name" programs they've been looking for — all within the price they want to pay.

As one of the 217 subscriber-stations writes: "THESAURUS gives us the finest artists in the land, built into good *saleable* programs . . . Sponsors are delighted and have renewed over much longer periods than their contracts called for."

Check THESAURUS on all other counts, too — it's built to NBC specifications for quality in talent, music, production. And recording is NBC ORTHACOUSTIC* — true-sound reproduction that usually ear-marks only a "live" broadcast.

Get going . . . get gunning for more business with NBC THESAURUS.

• • •

Write today for full information, rates and availability.

*Registered Trademark

NBC THESAURUS

"A Treasure House of Recorded Programs"

RADIO-RECORDING DIVISION

NATIONAL BROADCASTING COMPANY

RCA Building, Radio City, New York • Merchandise Mart, Chicago
Trans-Lux Bldg., Washington, D. C. • Sunset & Vine, Hollywood

Department Store Promotes by Air

Wasson Hits Quality Clientele Through Radio Series

By LEONARD A. MURCHISON

Merchandising and Sales Director
H. P. Wasson & Co.
Indianapolis

H. P. WASSON & Co. is known as the "Rendezvous of Smart Indianapolis Women". Its appeal is to an exceptionally high-quality clientele, yet its volume of business runs into many millions of dollars annually; and it is recognized as outstanding among the nation's finest fashion - minded stores.

Mr. Murchison

We're satisfied that radio has played an important part in building up many departments at Wasson's

For the last nine years, Wasson's has been a continuous user of radio in many varied forms—for advertising purposes, specifically, and as an aid to merchandising activities on various occasions.

Blackface Pair

The writer's introduction to radio was in the early days of development of the art. His first major interest was in the development of a new program for sponsorship of The Fair, well-known Chicago department store with which he was then associated. The program was built around a blackface team that had just joined WMAQ, known as Correll and Gosden—later to become world-famous as *Amos 'n' Andy*.

Their first sponsorship on the occasion of their association with WMAQ was The Fair, the program being known as *The Fair Minstrels*. The writer recognized the importance of the new entertainment medium as a merchandising aid, but it was not always easy to get everybody else to see it. But one convincing testimonial to radio was personal appearances. On more than one occasion crowds that were almost unmanageable were brought into the store to see actual broadcasts and personal appearances by the great and near-great of radio.

The basic fundamental of all successful selling—public appeal—has proved the effectiveness of radio as a sound merchandising aid. That is what caused our quick acceptance of an idea recently presented to us by A. H. Green, of the WFBM public relations department. Mr. Green suggested that we build a dozen specially designed wooden picture frames with easels to stand about two feet high. These were to be placed in conspicuous spots throughout the store and would contain two distinct items—a standard 8 x 10 glossy photograph of some radio personality heard over WFBM or CBS; beneath it, a small hand-lettered copy panel which, in a few words, tied the picture to some particular merchandise displayed in the same department.

The value of these picture displays should be immediately apparent. Nothing attracts the attention of women quicker than a photograph, and a photograph of some well-known theatrical personality ten to one will hold their attention long enough to put across a brief, printed selling message.

Added to your printed message is the weight of *personal endorsement* of the merchandise, the psychological effect on the shopper producing both a desire to possess the article and a sense of value personally guaranteed by a known "name". In addition to the silent appeal to shoppers, such picture display has been found to be of value to the salespeople in direct selling; they can use to advantage the "personal endorsement" of the picture in "closing" a hesitant buyer.

The Windows, Too

Following along somewhat the same lines, we have found special window displays tied into radio to be of merchandising value to the store—and, of course, they are of publicity value to the station. A short while ago, during one of the more active campaigns in Europe, an ingenious window display was worked out by our display department, with the assistance of the WFBM staff, which caused a great deal of comment. The men's department window, fronting on the main street of the city, was dressed with maps of Europe and the World. In the center back wall was hung a 3 x 4 foot blow-up of Gilbert Forbes, popular Indiana newscaster. Beneath it was placed a lighted pedestal-globe, and in front of this, standing on the floor, were pictures of the various European correspondents of International News Service, a slightly larger picture of the editor-in-chief of INS, and a small picture of Forbes holding in his hand a particular brand of pipe carried in our stock.

From each major European capital on the maps, a stream of special Western Union ticker tape was run to the picture of the correspondent in that city, then on to the editor in chief and finally to Forbes' picture. On the floor was strewn teletype news stories, and in one corner of the window was placed a small display of the pipes. The result was an extremely interesting window which really stopped passersby—and which gave them something to study, at the same time graphically illustrating for them the manner in which world news was gathered and finally sent into their homes by radio. Did it sell pipes? Yes; in fact, the response was quite remarkable in view of the fact that we have no so-called tobacco shop and sold these in a small case in our men's furnishings department.

Came the Strike

Specific use of radio by H. P. Wasson & Co. for direct advertising has steadily grown over the past nine years. Its use by the store generally received a powerful boost some three years ago when all the Indianapolis newspapers suspended publication due to a strike.

When the station went on the air the next morning the writer called WFBM and, unable to reach any of the station executives, turned the control engineer into a salesman and bought all available time, both program and announcement, for that day (a Saturday before Easter) for Wasson's. Spot announcements and one hour programs were used to carry on our normally heavy advertising schedule until termination of the newspaper strike. This occurrence helped prove to us the effectiveness of radio in department store advertising. Spot radio time, with us, has been extremely successful in developing our hosiery and fur business, and that of various other lines. Concentration on powerful and impressive advertising and sound merchandising policies has, with the help of radio, made many of the departments of Wasson's outstanding.

We're not going to spoil your radio men by flattery and tell you that radio—or WFBM—did it alone. Indianapolis has some splendid newspapers that do a fine job of advertising. But let's say frankly that Wasson's would no more think of dropping its radio time than it would think of dropping the Indianapolis newspapers. And that is the soundest kind of an endorsement that anyone can give any medium, isn't it?

DISPLAYS in windows and all around the store stimulate interest in the radio campaigns of H. P. Wasson & Co., quality department store in Indianapolis. This window, trimmed with illuminated globe, maps, photo of WFBM News Editor Gilbert Forbes, teletype copy and photos attracted wide interest. More interesting, a couple little pipe displays among the photos and tape led to the sale of many pipes.

Vick's Spot List

VICK CHEMICAL Co., New York, introducing its new product, Vick's Inhaler, has started a campaign of 30-to-50-word announcements ten times weekly on 84 stations, through Morse International, New York. About 10 more stations will be added to the following list:

WAPI WBRC WSFA KTHS KARK KFI KNX KSFO WDEL WOL WJAX WIOD WCOA WFLA WSB WTOC WGES WJJD WGN WIND WIRE WHO KFH WHAS WWL KWKH WBAL WFBR WBZ WEEI WJR WWJ WTCN WEBC KXOK KMOX WHB KWTO KMMJ WOKO WGR WEAF WHAM WIBX WBT WPTF WBIG WLW KTUL KEX WEST WKBO WAZL WGAL WCAU WFIL KDKA WEEU WBAX WRAK WORK WTMA WDOD WMC KGNC WFAA KRLD KROD KPRC KFYO KTSA WOAI KRGV KFPY WTMJ WFIL WNAC WJR KSFO WJAR WEAN WTCN WBEN WREC.

O'Cedar Picks Markets

O'CEDAR Corp., Chicago (O'Cedar polish, floor oil), on Feb. 17 starts five-weekly one-minute transcribed announcements in 25 markets with Hartford, Conn., also a possibility [BROADCASTING, Feb. 3]. Markets selected are Atlanta, Raleigh, Louisville, Nashville, Birmingham, Dallas, Houston, Oklahoma City, Denver, Minneapolis, Kansas City, Des Moines, Boston, Newark, Syracuse, Pittsburgh, Philadelphia, Chicago, Cleveland, Detroit, St. Louis, Washington, Los Angeles, San Francisco, Seattle.

Nursery's Drive

GOOD & REESE Inc., Springfield, O. (house and garden plants), is to start its 1941 spring campaign on Feb. 10, 17, and 24 on the following stations: KFRU KXOX KSL WSAU WKZO WJTN KFAB WHJB WHBL WCSH WLOK WDAY WLS. Other stations planned but not set are WSYR WSB KFYR WSAY WBZ-WBZA WEW WWVA WHBY WBRE WCLO WHKC. Leo Boulette Agency, Springfield, handles the account.

TUCKETTS Ltd., Hamilton, Ont. (Wing Cigarettes) have renewed as of Feb. 24 its spot announcements weekly on 40 Canadian stations. Account was placed by MacLaren Adv. Co. Ltd., Toronto.

WANTED . . . *in "America's Money Belt"* Enough Breakfast Food to Furnish Box Tops for Over 150 Million Contest Entries!

NOTE: An estimated $21,000,000 worth of cereals were bought last year in America's Money Belt. More will be sold this year.

WILL YOU SELL IT?

IF ALL the boxtops from all the cereals sold every year in the rich Money Belt area were laid end to end . . . it'd make a whiz of a contest to judge!

But there's no contest over the fact that the one best medium that helps sell that breakfast food, and much of the billion-and-a-half dollars worth of other commodities, is the four-way voice of America's Money Belt . . . The Cowles Stations.

Furnishing the breakfast entertainment — as well as the breakfast — for a big part of the six million folks in the Money Belt, is quite a job . . . but The Cowles Stations do it every day. They can do a record selling job for you, too. Shoot them "25 additional words or less" today — and get all the facts.

WHICH OF THESE DO YOU SELL?

Estimated Annual Retail Sales in "America's Money Belt"

Canned Fish	$10,000,000
All Cereals	21,000,000
Canned Milk	27,000,000
Flour	64,000,000
Shortenings (Vegetable and Salad Oils)—not including lard	31,000,000
All Perfumes and Cosmetics	17,000,000
All Soaps	39,000,000
All Canned Fruit and Vegetables	47,000,000
Tobacco	85,000,000

The Cowles Stations

WMT ★ CEDAR RAPIDS WATERLOO — **KRNT** ★ DES MOINES — **KSO** ★ DES MOINES — **WNAX** ★ YANKTON SIOUX CITY

WMT KRNT KSO WNAX

Affiliated with THE REGISTER AND TRIBUNE, Des Moines, Iowa

Represented Nationally by THE KATZ AGENCY

Text of Government's Criminal Suit Against ASCAP

Following is the text of the criminal suit, technically called an "information" filed by the Department of Justice Feb. 5 against ASCAP in the U. S. District Court for the Eastern District of Wisconsin, presided over by Federal Judge F. Ryan Duffy, in Milwaukee. The bill bore the signatures of B. J. Husting, U. S. Attorney in Milwaukee; Assistant Attorney General Thurman Arnold, Victor O. Waters, special assistant to the Attorney General in charge of the copyright litigation, and Warren P. Cunningham, special attorney:

No. 449-Q

I. Description of Defendants

1. That American Society of Composers, Authors and Publishers, hereinafter referred to as "Society", an unincorporated membership association of music composers, authors and publishers, having its principal office at 30 Rockefeller Plaza, New York, New York, is made a defendant herein.

2. That the following individuals, who have been or are now officers or directors of Society as indicated after their names, actively engaged during the period covered by this Information in the management, direction and control of the affairs and policies of the Society, and in particular of those affairs and policies which are covered by this Information, who have authorized, ordered and done the acts of the defendants constituting the offenses hereinafter charged, are likewise made defendants herein.

Gene Buck, president and director; Louis Bernstein, vice-president and director; Otto A. Harbach, vice-president and director; George W. Meyer, secretary and director; Gustave Schirmer, treasurer and director; Fred E. Ahlert, director; Saul Bornstein, director; J. J. Bregman, assistant secretary and director; Irving Caesar, assistant treasurer and director; Max Dreyfus, director; George Fischer, director; Walter Fischer, director; Raymond Hubbell, director; Jerome Kern, director; Edgar Leslie, director; Jack Mills, director; Herman Starr, director; John O'Connor, director; J. J. Robbins, director; Oley Speaks, director; Deems Taylor, director; Will Von Tilzer, director; John Mercer, director; Oscar Hammerstein II, director; E. C. Mills, chairman administrative committee; John G. Paine, general manager.

The following corporations which have had divers officers and agents and representatives on the Board of Directors of the Society:

Shapiro, Bernstein & Co. Inc.; Irving Berlin Inc.; Bregman, Vocco & Conn Inc.; Chappell & Co.; T. B. Harms Co.; J. Fischer & Bros.; Carl Fischer Inc.; Mills Music Inc.; Words and Music Inc.; Robbins Music Corp.; Leo Feist Inc.; Miller Music Inc.; G. Schirmer Inc.; Boston Music Co.; Willis Music Co.; Harms Inc.; M. Witmark & Sons; Remick Music Corp.; Harry Von Tilzer Music Publishing Co., are made defendants herein.

3. That all members of the Society, in addition to those made defendants herein, are expressly named as co-conspirators herein.

II. The Society

4. That defendant Society, an unincorporated association, was organized in or about the year 1914, by the leading publishers, composers and authors of musical compositions in the United States, for a period of 99 years from the date of its organization; that the purposes for which it was organized were, among other things, to grant licenses and collect royalties for the public performance of the works of its members, to allot and distribute the royalties collected, and to accumulate and maintain a reserve fund to be used in carrying out any of the objects of the Society;

That its membership at the time of the filing of this Information consists of approximately 140 publishers and 1,200 composers and authors and includes the owners of the copyrights of a substantial amount, more than 75%, of all the copyrighted musical compositions demanded by the public of the United States for entertainment purposes at the time of the filing of this Information and for a number of years prior thereto; that the management of defendant Society is vested exclusively in a self-perpetuating board of directors consisting of 24 persons, 12 of whom represent publisher members, 6 represent composer members, and 6 represent author members; that each director is elected to serve for a period of three years, and is eligible for reelection upon the expiration of his term; that the terms of office of eight members of said board expire each year, and their successors are elected annually by the remaining members of the board; that the directors have exclusive and absolute control of the management and of all activities of the Society and appoint all its committees, officers and employes;

That admission to membership in the Society is by election thereto by the board; that each member upon admission must execute an agreement in the form required by the board of directors, assigning to the Society the exclusive nondramatic public performance for profit rights of all of the members' works for the period of any then existing agreement between the Society and its members; that the agreement between the Society and its members, a copy of which is hereto attached marked Exhibit "A" and expressly made a part hereof, expired Dec. 31, 1940; that the agreements between the Society and its members, existing prior to Dec. 31, 1940, have been renewed for a further ten-year period; that by reason of the vast number of copyrights of compositions controlled by the members of the Society, by reason of the great public demand therefor, and by reason of the vesting of the absolute management and control of all activities of the Society in the self-perpetuating board of directors, the 24 persons constituting such board have the power to and do fix the price of and control the public performance for profit rights of the greater part of the music demanded by the public of the United States for entertainment purposes.

5. That licenses to perform publicly for profit the musical compositions copyrighted by its members are issued by the Society upon application therefor; that agents of the Society solicit applications for such licenses by threat of prosecution for infringement of the copyright laws of the United States, from all unlicensed persons, firms or corporations in the United States who use music in connection with their business; that defendant Society refuses to grant licenses to perform single musical compositions or groups of compositions selected by the licensees; that it grants only blanket licenses to perform any and all musical compositions of all its members upon the payment of such royalty as is demanded by the board of directors of the Society;

That six forms of licenses have been and are in use, copies of which are hereto attached and marked Exhibits "B", "C", "D", "E", "F", "G", respectively, and are expressly made a part hereof; that Exhibit "B" is the form of license which radio broadcasting stations not owned at least 51% by newspapers were required to accept prior to Dec. 31, 1940; that Exhibit "C" is the form of license which radio broadcasting stations owned at least 51% by newspapers were offered, accepted by many and outstanding prior to Dec. 31, 1940; that Exhibit "D" is the form of license which theatres are required to accept; that Exhibit "E" is the form of general license which all other users of musical compositions are required to accept; that Exhibit "F" is the only form of license offered radio broadcasting stations not originating programs as part of a chain broadcast, or the simultaneous broadcasting of programs over two or more stations subsequent to Dec. 31, 1940; that Exhibit "G" is the only form of license offered radio broadcasting stations originating programs as part of a chain broadcast or the simultaneous broadcasting of a program or programs over two or more stations subsequent to Dec. 31, 1940.

6. That defendant Society maintains agents and representatives throughout the United States, whose duty it is to enforce the demands of the Society in the sale of licenses and in collecting royalties therefor.

III. The Radio Broadcasting Industry

7. That the term "radio broadcasting station" is used herein to designate those radio stations operated for the entertainment of the residents of the United States and residents of adjacent and more distant foreign countries; that there are approximately 793 such radio broadcasting stations interspersed throughout the States of the United States and operated under authority of the FCC, pursuant to the Act of Congress known as the Communications Act of 1934, approved June 19, 1934, and prior Acts of Congress; that each station is required to broadcast a minimum regular operating schedule of two-thirds of the hours it is authorized to broadcast under the license granted it by the Communications Commission;

That the continued existence, success and prosperity of a radio broadcasting station depends entirely upon the entertainment offered by it to the radio listening public within the range of the station's power; that music is the principal form of entertainment demanded by the radio listening public and must be offered by a station in order to retain the continuing interest and patronage of the listening public; that approximately 50% of the time devoted to the transmission of energy, ideas and entertainment across state or national boundaries by radio broadcasting stations in the United States is devoted to the radio broadcasting of music in varying forms, and such music must represent the rendition of compositions most desired by the listening public; that the only income available to a station is derived from the sale of its facilities to persons desiring to communicate energy, ideas and entertainment to the public within listening range of the station's transmission power;

That such sale of facilities consists primarily of sales to business concerns for the purpose of advertising the products of the particular concern and of creating good will on the part of the public for the services or products of the advertiser; that the desirability of a particular station for advertising purposes is directly dependent upon the number of persons listening to the programs broadcast by that station, and such persons can only be induced to listen to the station's broadcasts by furnishing the musical entertainment demanded by the radio audience; that a substantial portion of the entertainment furnished by the station must be furnished at the expense of the station, for which it receives no compensation or income.

8. That during all the time herein mentioned it has been and is essential to the continued operation of each of the stations in the United States broadcasting radio entertainment, in order to avoid liability for infringement of copyright, to obtain the permission or license of the owners of the copyrighted musical compositions the public performance of which is demanded by the radio audience.

IV. The Interstate Commerce Involved

A. In Radio Broadcasting

9. That radio broadcasting stations in the United States are engaged in interstate or foreign commerce; that each station is an instrumentality through which energy, ideas and entertainment are transmitted across state or national boundaries to the radio listening population of the United States or foreign countries; that approximately 40% of the time devoted to the transmission of energy, ideas and entertainment across state or national boundaries by radio broadcasting stations in the United States has been devoted to the radio broadcasting of copyrighted musical compositions owned or controlled by the Society and its members;

That as each radio station under the copyright laws must obtain permission from the copyright owners of musical compositions before such compositions can be broadcast in interstate commerce, any interference with or restraint upon the obtaining of such permission from the copyright owners

THEY WERE IN THE NAVY THEN

One of a Series

SEAGOING youngsters in Uncle Sam's service were these embryo broadcast executives during World War days. See if you can recognize them; then turn to page 40 for pictures as they look now and identifications.

upon a competitive basis restrains the interstate and foreign transmission of energy, ideas and entertainment by radio broadcasting stations.

10. That there has developed in the radio industry a practice which is commonly called "chain" or "network" broadcasting; that by this method of operation several radio broadcasting stations are connected in a chain or network by means of leased telephone lines for the purpose of broadcasting simultaneously radio programs originating at one of the stations in the network; that this method is generally inaugurated and controlled by what is known as a network company; that the principal network companies presently existing in this country are the National Broadcasting Company, the Columbia Broadcasting System, and the Mutual Broadcasting System;

That approximately 350 radio stations located in the United States are affiliated with and engaged in such "network" broadcasting; that only those network stations which originate network programs have control over the selection of the content of the programs which are broadcast simultaneously by all of the stations in the network; that approximately 45% of the total time devoted to network broadcasting in this country is devoted to the broadcasting of musical compositions; that a substantial number of the copyrighted musical compositions performed over radio networks during the period covered by this Information were owned or controlled by the Society and its members; that the network stations other than those originating network broadcasting, have no control whatsoever over the selection of the musical compositions which are performed by the several stations comprising the network.

B. In Sheet Music

11. That each defendant who is a publisher member of defendant Society prints, or causes to be printed, the music and lyrics, and special arrangements thereof, of musical compositions; that such printed sheets of music are sold by such defendants to customers located in all states of the United States and are transported across state boundaries in interstate commerce; that the greater part of the musical compositions broadcast by radio stations is performed by entertainers located in the studio of particular broadcasting stations, or in close proximity thereto, from musical scores transported across state boundaries.

12. That the essential element in effecting the sale and distribution of sheet music throughout the United States is the transmitting of musical compositions to the ear of the public, in order to create a desire on the part of individual members of the public to purchase the printed score representing particular compositions; that radio broadcasting is the principal medium through which individual musical compositions are transmitted to the ear of the purchasing public and a demand for the printed score created;

That by means of the combination and conspiracy hereinafter described, defendant Society through the issuance of only blanket licenses authorizing the performance of the Society's entire repertoire of music at a price which requires the payment of a percentage of the revenue derived from all radio programs regardless of whether Society owned or controlled music is performed, has destroyed the economic incentive on the part of radio stations, having the Society's license, to perform the musical compositions of authors, composers and publishers not members of Society, thereby depriving those owners of copyrighted musical compositions who are not members of defendant Society of the opportunity of transmitting their musical compositions to the ear of the purchasing public, with the result that the sale of scores written by non-members to purchasers in states of the United States other than the state where such scores were manufactured, and the transportation thereof across state and national boundaries, is and has been restrained.

THEY KEEP THE MIMEOGRAPHS HOT

ASCAP's Vivid Handouts Make Sordid Claims; —BMI Tells Facts of Music to the World—

WHILE the courts decide, ASCAP and BMI continue their battle of the mimeograph. Latest battle front is the monthly report—communique—concerning the success of the two organizations.

ASCAP continues to put forth its claims and counterclaims on paper emblazoned with the names of hit tunes published on a glaring blue background. Various stock diatribes against the networks are sprinkled liberally around the edges. BMI counters with a modest white handout containing its side of the story. Here are some specimens:

ASCAP by John G. Paine, its general manager: Chain stations are rapidly losing listeners.

BMI by Neville Miller, president of NAB: December's index of average listening audience (measured statistically) to 172 programs was an unseasonal peak of 10.7%, yet in spite of the lack of ASCAP music, the Crossley ratings for January maintain the same high-water mark.

And On 'n' On

ASCAP: Public protest against the boycott of favorite music and the "murdering" of classics has steadily increased.

BMI: The increasing number of letters from national and civic leaders congratulating radio stations on their public spirited stand with regard to ASCAP's unprincipled control of copyrighted music has been a most gratifying thing to watch.

ASCAP: No new business has been signed by the chains since the first of the year, and quite a few big programs have been cancelled.

BMI: NBC reports 50% of its advertisers have increased their network coverage. CBS reports two new musical shows and four important renewals. MBS has not yet completed a round-up of its network activities for the month, but WOR added four more shows in January. There has been no cancellation of any program on any network since Jan. 1.

ASCAP: Negotiations have been resumed by ASCAP counsel with the Department of Justice looking toward a settlement of the Government's six-year-old suit. (ASCAP turned down one consent decree in December, then asked to have it reinstated last week. Now it must answer criminal proceedings in Milwaukee in addition to its New York civil suit.)

NOW A MAJOR is Jimmy Stevenson (right), newsman of WJR, Detroit, who received his Army Reserve oath from Col. T. M. Oliphant, executive of the Michigan Military District. Stevenson is in the Judge Advocate General's department, subject to call.

C. Motion Picture Films

13. That motion picture films are produced primarily in the States of New York and California, and shipped to motion picture exhibitors located in every state in the United States; that these motion picture films are produced and shipped in interstate commerce for the sole and exclusive purpose of exhibition or public performance by motion picture exhibitors; that without the right to exhibit or perform, the motion picture films are rendered valueless and restricted from a free flow in interstate commerce; that a substantial portion of the motion picture films are synchronized with music to the extent that the films cannot be exhibited without performing the music synchronized therewith; that a great majority of the music synchronized with the films is copyrighted music, the public performance for profit rights of which are controlled by the Society; that the Society, therefore, has the power to fix the price of, control or otherwise unreasonably restrain the usage of a substantial portion of the motion picture films passing in interstate commerce.

D. Electrical Transcriptions

14. That electrical transcriptions are mechanical devices upon which programs are recorded or mechanically reproduced for the exclusive use of radio broadcasting stations; that more than 50% of the electrical transcriptions produced in the United States are produced or manufactured in the States of New York and California and shipped to radio broadcasting stations located throughout the United States; that upon practically all of these electrical transcriptions are recorded musical compositions; that a substantial portion of the music so recorded is copyrighted music owned or controlled by the Society and its members.

V. The Combination and Conspiracy

15. That for many years preceding as well as during the period of three years next preceding the filing of this Information, and continuing to the date of the filing thereof, defendants, and others to the United States Attorney unknown, well knowing the foregoing facts, have been engaged in the United States, and particularly in the Eastern District of Wisconsin, in a wrongful and unlawful combination and conspiracy in restraint of the aforesaid interstate and foreign trade and commerce in radio broadcasting, sheet music, motion picture films, and electrical transcriptions in violation of Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" (U.S.C.A. Title 15, Section 1), commonly known as the Sherman Act, and have conspired to do all acts and things and to use all means necessary and appropriate to make said restraints effective, including the means, acts and things hereinafter more particularly alleged and other means, acts and things which at the time of filing this Information are unknown to the United States Attorney; that as a part of said conspiracy the defendants have arranged and agreed among themselves to do the following things:

A. To create, maintain and utilize defendant Society as an instrumentality for promoting and maintaining the illegal combination and conspiracy herein described; to create defendant Society as such instrumentality with a self-perpetuating board of directors and to vest in the 24 persons constituting such board the exclusive power to control the activities of defendant Society; to restrict membership in defendant Society to such composers and authors who have written or composed and had regularly published not less than five copyrighted musical compositions, and to such publishers as may be approved by the board of directors;

To have transferred to and to pool in defendant Society the sole and exclusive right to perform publicly for profit all musical compositions of which all the members of Society are the copyright proprietors, or which any member, either alone or jointly or in collaboration with others, wrote, composed, published, acquired or owned, or in which any member has any right, title, interest or control whatsoever, in whole or in part, or which any member during the term of the agreement may write, compose, acquire, own, publish or copyright, either alone, jointly, or in collaboration with others, or in which any member may at any time, during the term of the agreement, have any right, title, interest or control, either in whole or in part; to have all members of defendant Society vest in defendant Society absolutely until and including Dec. 31, 1940; the sole and exclusive right to license others to perform publicly for profit all their musical compositions; to renew and extend the agreements between Society and its members which expired Dec. 31, 1940, for a further 10-year period.

B. To vest in defendant Society a complete monopoly of the right to license for public performance for profit all the musical compositions of all its members, aggregating an unknown number of musical compositions; to refuse to furnish to its licensees complete lists of the musical compositions in the Society's repertoire of music; to eliminate competition among members of defendant Society in the sale of rights to perform publicly their respective musical compositions, which, but for the illegal combination and conspiracy herein described, would have existed;

To refuse radio broadcasting stations, advertisers (desiring to utilize the service of such stations to promote the sale of their merchandise), orchestras, theatres, and others desiring the right to perform publicly the copyrighted musical compositions of members of defendant Society, the right to acquire from the individual members of the Society the public performance for profit rights of their respective copyrighted musical compositions; to require commercial users desiring only certain musical compositions in the Society's repertoire to accept a blanket license from defendant Society for all of its copyrighted musical compositions, upon terms and conditions arbitrarily fixed by it.

C. To agree to establish and maintain, and pursuant to such agreement, to establish and maintain, by means of the pooling of their individual copyright monopolies, enhanced and non-competitive prices or royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by individual defendants; to eliminate all competition among members of defendant Society in the sale of licenses to perform publicly their individual musical compositions and to exercise the power obtained by defendants through the unlawful pooling of their individual copyright monopolies, by concertedly refusing to license the public performance by radio broadcasting stations and all other persons engaged in the public performance for profit of copyrighted music of any copyrighted musical composition owned and controlled by a member of defendant Society, except on the basis of a general license covering any and all musical compositions of all members and except upon the basis of an arbitrary royalty for such general license, fixed and determined by the aforesaid self-perpetuating board of directors of defendant Society; to require compliance

with the terms fixed by the defendants by radio broadcasting stations affiliated with radio "networks", prior to Dec. 31, 1940, by issuing licenses to network affiliated radio stations only on the basis that the license issued to each station was not to be construed as authorizing the licensee to grant others any right to perform publicly for profit by any means, method or process whatsoever.

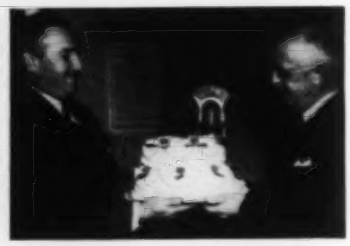
The radio stations affiliated with a radio "network", other than the station originating the radio program, have had no control over the copyrighted musical compositions performed by the network affiliated stations simultaneously. Broadcasting stations affiliated with radio "networks" have had to accept a license from defendant Society upon any terms and conditions imposed by defendant Society, or subject themselves to numerous infringement suits in which they would be compelled to pay not less than $250 for each copyright infringement, as provided in the copyright laws of the United States.

D. Concertedly to demand and receive from radio broadcasting stations increased amounts as royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by members of defendant Society; to notify on or about April 1, 1932, all radio broadcasting stations throughout the United States that, on and after June 1, 1932, defendant Society would issue to broadcasting stations only a general license covering all musical compositions of all members of defendant Society, which license would require the payment annually as royalty of a sum approximately equal to the annual royalty theretofore paid by them, and in addition thereto, 5% of the gross income of the broadcasting station from whatever source derived.

This fee represented an increase of approximately 400% in so-called "royalty" payments over the aggregate royalty demanded for the previous year. Protests were made by the broadcasting stations to defendant Society and the then existing licenses were temporarily extended to September, 1932. Thereupon efforts were made by the broadcasting stations, acting through a committee appointed for the purpose, to obtain licenses providing for royalty payments by each station based on the number of performances by such station of copyrighted musical compositions owned and controlled by Society or its members.

The defendants refused to agree to royalty payments based on actual use made of their musical compositions. Other proposals submitted by the broadcasting stations were also rejected by defendants. Each broadcasting station, in order to use the copyrighted musical compositions controlled by defendant Society and to avoid a multiplicity of infringement suits, acceded to the demands of defendant Society and accepted from defendant Society a three-year blanket license agreement, commencing on or about September, 1932, covering all musical compositions of all members of defendant Society, upon the basis of a royalty payment approximately equal to the fixed annual royalty paid for the preceding year, plus 3% of the station's net receipts during the first year of the agreement, 4% of such receipts during the second year, and 5% of such receipts during the third year. "Net receipts" as defined in said agreement, constituted the full amount paid to the station for the use of its broadcasting facilities, after deducting commissions not exceeding 15%, if any, paid to an independent advertising agent or agency.

E. To refuse to alter or change the terms of the contracts executed by and between the Society and radio broadcasting stations in 1932, which expired Dec. 31, 1935; and to issue an ultimatum on or about Jan. 10, 1936, in writing, to the various radio broadcasting stations to the effect that the performance of copyrighted musical compositions in the Society's repertoire of music would constitute a copyright infringement unless the existing contracts were renewed by Jan. 15, 1936.



CELEBRATING the first birthday of WBAB, Atlantic City, during a special Jan. 31 broadcast, Mayor Thomas D. Taggart Jr., of Atlantic City (left), passes a candled birthday cake to Albert J. Feyl, president of Press-Union Publishing Co., licensee of the station.

The radio broadcasters located throughout the United States had no alternative but to accept the terms dictated by the Society, since they could not operate without being subjected to the $250 minimum damage provision for each copyright infringement of the copyright laws by performing music owned or controlled by the Society and its members. Within the specified time they accepted renewals of the contracts executed in 1932. These contracts executed in 1932, expired on Dec. 31, 1940.

F. To refuse to renew the licenses to radio broadcasters which expired Dec. 31, 1940, under threat of withdrawing from the interstate commerce of radio broadcasting and public enjoyment the vast pool of copyrighted music acquired by the Society, by means of the illegal conspiracy alleged herein and under the further threat of inflicting the $250 minimum damage provision of the copyright laws, unless the radio broadcasters accepted the licenses attached hereto and marked Exhibits "F" and "G". The percentage of income demanded by members of defendant Society from radio broadcasting stations since 1932, represents a percentage of the entire income received by such broadcasting stations for the sale to advertisers of their operating time on the air. Such demand for the payment of these percentages constitutes a charge upon income received by radio broadcasting stations for their time devoted to the broadcasting of lectures, dramatizations, sporting events, and other programs, which employ none of the copyrighted musical compositions of the members of defendant Society.

G. To withdraw on Jan. 1, 1941, from approximately 568 radio broadcasting stations interspersed throughout the United States, including the three national network systems, National Broadcasting Company, Columbia Broadcasting System and Mutual Broadcasting System, who had not accepted a license at the price and terms fixed by the defendants, the right to broadcast in interstate commerce and to deprive the radio listening public of the privilege of hearing and enjoying all the copyrighted music of all the respective members of the Society.

H. To create and maintain, prior to Dec. 31, 1940, a distinction and discrimination between the license agreements exacted of radio broadcasting stations owned at least 51% by newspapers and license agreements exacted from radio broadcasting stations not so owned. The license agreement offered by defendant Society to broadcasting stations owned 51% by newspapers, and accepted by many, did not require payment to defendant Society of a percentage of the station's income derived from all advertisers, but only required the payment of 3% of the income of the station received from advertisers whose programs included musical compositions owned or controlled by members of defendant Society.

This 3% was payable until the total amount paid by the station equalled an amount agreed upon between the station and defendant Society. Thereafter, the station was required to pay 5% of all additional income received by it from programs in which musical compositions owned or controlled by members of defendant Society were used.

I. To insert provisions or terms in all the license agreements to users of music which permit the copyright owner, through defendant Society, to withdraw at will from the operation of the license any musical compositions owned or controlled by such copyright owner and thereby prevent its broadcast by the broadcasting station, thereby enabling members of defendant Society to withdraw musical compositions in the Society's repertoire in great demand by the general public, for the purpose of collecting additional compensation for the right to perform publicly for profit and for the further purpose of collecting enhanced and non-competitive fees for the right to record and reproduce mechanically copyrighted musical compositions reproduced for public performance for profit; and to force radio broadcasting stations to accept all terms and conditions imposed by members of defendant Society for the right to broadcast popular musical compositions which have been withdrawn from the Society's general licenses.

J. To require radio broadcasting stations to accept a blanket license as heretofore stated upon terms and conditions imposed by defendant Society, thereby securing for members of the Society the exclusive use of radio broadcasting as a means of conveying musical compositions to the ear of the public-at-large, destroying the economic incentive of broadcasting stations to use the musical compositions of composers, authors and publishers who are not members of defendant Society and thereby preventing non-members of defendant Society from receiving the compensation for the rights of public performance of their musical compositions, which they would otherwise receive, and limiting and restricting the popular demand of the listening public to musical compositions controlled by defendant Society.

K. To require acceptance of their arbitrary and non-competitive demands for royalties by all classes of music users, as a condition precedent to the acquisition by such music users of the right to perform any copyrighted musical compositions of any members of the Society publicly for profit. The motion picture exhibitors interspersed throughout the United States must perform those musical compositions synchronized with the motion picture films in order to exhibit the motion picture films.

Without the right to exhibit and perform the musical compositions synchronized therewith, the motion picture films received in interstate commerce are valueless. All users of music must perform those musical compositions demanded by their audiences. The limitation and restriction of popular demand to the musical compositions controlled by defendant Society has forced such users of music to obtain from defendant Society a license to perform music controlled by defendant Society so demanded by the public.

The members of defendant Society, through defendant Society, have concertedly refused to grant such users permission to perform individual musical compositions selected by the users, but have insisted and still insist that general licenses be accepted which cover all the musical compositions of all the members of defendant Society, upon payment of a fixed amount therefor, irrespective of whether one or more of such musical compositions are actually performed. By this method of licensing the members of defendant Society have further restricted the popular demand to those musical compositions owned or controlled by the members of defendant Society, and, have prevented the use of musical compositions owned by non-members of defendant Society.

L. To prevent the sale and transportation in interstate commerce of musical scores owned by composers, authors and publishers who are not members of defendant Society, by refusing to issue licenses for the public performance of musical compositions owned or controlled by them, except upon the terms and conditions above set forth.

M. To adopt and maintain a comprehensive system for the acquiring of detailed and complete information relative to the musical compositions used by broadcasting stations, by means of which information the members of defendant Society have been and are enabled to conduct their operations through defendant Society so as to prevent the development of competition between members of defendant Society and owners of copyrighted musical compositions who are not members of defendant Society, and to maintain and enforce all provisions of the licenses between Society and radio broadcasting stations.

VI. Purpose and Effect of the Conspiracy

16. That the defendants have adopted the means and engaged in the activities aforesaid, with the intent, purpose, and effect of unreasonably and unlawfully maintaining enhanced and uniform prices in the interstate commerce in copyrighted musical compositions controlled by Society, and have otherwise restrained unreasonably the interstate commerce of radio broadcasting, sheet music, motion picture films and electrical transcriptions; that all members of defendant Society, through the mutual and identical agreements hereinbefore described, have actively and effectively restrained their own activities, have eliminated competition among themselves, and have created, maintained and utilized defendant Society as an instrumentality unreasonably to restrain and restrict, directly and indirectly the interstate trade and commerce, as hereinbefore described.

VII. Jurisdiction and Venue

17. That the combination and conspiracy herein set forth has operated and has been carried out in part within the Eastern District of Wisconsin, and many of the unlawful acts pursuant thereto have been performed by defendants and their representatives in said District; that the interstate trade and commerce in radio broadcasting, sheet music, motion picture films and electrical transcriptions as herein described, is carried on in part within said District; that said defendants have usual places of business in the said District and therein transact business and are within the jurisdiction of the Court.

18. That this Information is filed and the jurisdiction of this Court is invoked against defendants American Society of Composers, Authors and Publishers, its officers and directors, and the members thereof, because of their violations, jointly and severally, as herein alleged, of Section 1 of the Sherman Act, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies."

And so, the United States Attorney accuses and says:

That the defendants throughout the period aforesaid, at the places and in the manner and form aforesaid, unlawfully have engaged in a combination and conspiracy in restraint of the aforesaid trade and commerce in radio broadcasting, sheet music, motion picture films, and electrical transcriptions among the several states and with foreign nations; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

Editor's Note: Seven exhibits attached to the information included, (1) form of contract between ASCAP and copyright owner; (2) between ASCAP and non-newspaper station; (3) between ASCAP and newspaper-owned station; (4) between ASCAP and theatres; (5) between ASCAP and general users; (6) proposed form of contract between ASCAP and standard broadcast stations which was to have been effective Jan. 1, 1941; (7) proposed form of contract between ASCAP and networks offered as of Jan. 1, 1491

Four New Locals Granted by FCC

Virginia, Iowa and Missouri To Have New Facilities

THE FIRST big batch of new station grants of 1941 was issued by the FCC Feb. 4 and 5 when it made known the authorization of four new local stations—one each in Winchester, Va.; Clinton, Ia.; Burlington, Ia.; Hannibal, Mo. These bring to five the number of new outlets authorized thus far this year, one having been granted in Greenwood, S. C., on Jan. 7 [BROADCASTING, Jan. 13].

The new station in Winchester, Va., was granted Richard Field Lewis Jr., chief owner of WFVA, Fredericksburg, Va., and will operate with 250 watts on 1370 kc. Mr. Lewis, former chief engineer of KFXM, San Bernardino, Cal., founded WFVA in September, 1939.

Iowa Grants

The station in Clinton, Ia., was granted Clinton Broadcasting Corp., and will use 250 watts on 1340 kc. Principals in the company are: Peter Matzen, proprietary manufacturer, president, 130 shares of stock; C. A. Nordquist, general contractor, 100 shares; Dr. T. B. Charlton, physician, vice-president, 1 share; W. T. Oakes, postmaster, 1 share.

The Burlington, Ia., construction permit was issued to the Burlington Broadcasting Co., to operate with 250 watts on 1490 kc. The company is controlled by E. L. Hirsch, attorney and banker, president, 25% stockholder; Carl C. Riepe, attorney, vice-president, 25%; Raymond H. Wright, attorney, secretary-treasurer, 25%; J. Tracy Garrett, publisher of the *Burlington Hawk-Eye Gazette*, 25%.

The Hannibal, Mo., grant, 250 watts on 1340 kc., was to the Courier-Post Publishing Co., publisher of the *Hannibal Courier-Post*, of the same ownership as the *Kewanee* (Ill.) *Star-Courier*. Principals involved are Laura Lee, of Washington, 56% stockholder; E. P. Adler, president of the newspapers, president, 14%; Mrs. Joe F. Powell, Ottumwa, Ia., 12.48%; E. L. Sparks, publisher of the Hannibal newspaper, 9.12%; Franklin D. Throop, operator of KFOR-KFAB, Lincoln, Neb., vice-president, .08%; five other stockholders, all holding less than 3%.

'Treat Time' on CBS

ARMOUR & Co., Chicago (Treet), on Feb. 24 starts a thrice-weekly 11-11:15 a.m. (CST) 52-week series on 48 CBS stations. Program, titled *Treat Time*, will remain the same with the Treat Time orchestra and Buddy Clark, vocalist, being retained as the features. A short drama will be incorporated in each episode. Series will originate in Chicago. Agency is Lord & Thomas, Chicago.

Thank you

N. A. B.

for honoring St. Louis with your next Annual Convention, May 12-17, 1941

It's a great city, a great place to work or play, and a great market for radio-advertised goods. We'll be seeing you . . . and you'll be hearing us.

KMOX

"THE VOICE OF ST. LOUIS"

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, Charlotte, Los Angeles, San Francisco

"GETTING MAIL LIKE CRAZ
AL. CLAUSER and his OKA
WCKY
TEX

AHOMA OUTLAWS

FEATURED IN REPUBLIC PICTURES

now...
Exclusively in Person
on

WCKY

THE *L. B. Wilson* STATION

CBS

FIFTY GRAND IN POWER

BROADCASTING and Broadcast Advertising

MARTIN CODEL, Publisher
SOL TAISHOFF, Editor

Published Weekly by
BROADCASTING PUBLICATIONS, Inc.

Executive, Editorial And Advertising Offices
National Press Bldg. ● Washington, D. C.
Telephone—MEtropolitan 1022

NORMAN R. GOLDMAN, Business Manager ● BERNARD PLATT, Circulation Manager
J. FRANK BEATTY, Managing Editor ● W. R. McANDREW, News Editor
NEW YORK OFFICE: 250 Park Ave., Telephone - PLaza 5-8355
BRUCE ROBERTSON, Associate Editor ● MAURY LONG, Advertising Manager
CHICAGO OFFICE: 360 N. Michigan Ave., Telephone - CENtral 4115 ● EDWARD CODEL
HOLLYWOOD OFFICE: 1509 N. Vine Street, Telephone GLadstone 7353 ● DAVID H. GLICKMAN
Subscription Price: $5.00 per year—15c a copy • Copyright, 1941, by Broadcasting Publications, Inc.

The Day–March 29

AN ENGINEERING masterpiece and a diplomatic triumph was accomplished last month at the Havana Treaty technical sessions held in Washington under this Government's auspices. For the first time since broadcasting began all nations of this continent will observe identical engineering standards for broadcast allocations when the Treaty terms become operative March 29.

Much of the interference to reception now evident is the result of operation of Mexican and Cuban stations on channels used in this country. That condition has existed with varying degrees of intensity for the last decade, because our Southern neighbors have never been parties to allocation agreements with Canada and this nation. Under the Havana Treaty, signed in 1937, and now to become effective at the end of next month, a scientific continental allocation becomes effective.

Meeting the March 29 deadline becomes a race against time. A series of unfortunate delays have beset the reallocation. Less than two months remain for the procurement of equipment and new crystals and for the installations essential for many stations which go to new assignments. Nevertheless, it is the belief of Government engineers as well as of consultants that a major portion of the 800-station frequency shift can be effected by that time if all interests cooperate.

Highest praise is due the FCC and State Department officials responsible for the successful and expeditious handling of the technical conference. It was more than mere coincidence that Commissioner T. A. M. Craven, a member of the delegation which produced the Havana accord in 1937, should have been the principal American participant in the final technical sessions. His knowledge, as a practical engineer, and his ability to compose differences, were amply evidenced during the proceedings.

Flanking Comdr. Craven was his chief lieutenant at the 1937 sessions—A. D. Ring, FCC assistant chief engineer in charge of broadcasting. With the whole broadcast spectrum at his fingertips, Mr. Ring was able to meet every allocation argument with technical facts, and the fruits of his efforts were revealed in the final U. S. lists, preserving for this country substantially everything it had before the sessions began and at the same time satisfying the demands of the other nations.

The entire proceeding constituted a new departure in diplomacy. Customary formal, boiled shirt procedures were eschewed by the State Department, under the direction of Thomas Burke, chief of the International Communications Division. Handling of the Treaty phases under the expert guidance of Harvey Otterman resulted in speedy consummation of the diplomatic functions. It was a striking example of what can be accomplished by Government when the gears mesh.

The Legal Noose

BY A NEAT legalistic whittling down process which does abundant credit to its attorneys, the FCC during the last few years has ensconced itself as practically omnipotent in broadcast regulation. An appeal from an FCC decision, no matter what its nature, now is little more than a forlorn hope.

First the Supreme Court held in the Pottsville case that priority meant nothing. Then came the sensational Sanders "free competition" case in which the survival of the fittest maxim was upheld. Now the U. S. Court of Appeals for the District of Columbia, in its latest batch of opinions, strips itself even of the authority to enter stay orders. It goes beyond that by holding that electrical interference is no different from economic injury suffered by existing stations, and that the FCC really has a free hand in granting, denying, setting aside or whatnot. The only legal deterrent now apparently is that nebulous, indefinable something called "public interest" and of course palpable error of law.

This gradual arrogation of power to the FCC, we feel, means only one thing. The existing statute is outmoded. The appellate court, as a matter of fact, clearly infers that its hands are tied. The court majority says that if private interests are vitally affected or destroyed as a result of Commission actions, it "is regrettable but unavoidable." The minority of the Court stoutly takes an opposite view, without avail.

We have consistently held that the FCC is running out of regulatory bounds and that its actions threaten the security of an industry of vast importance. Now it is clear that even the courts feel new legislative guidance is needed. The lower court is not unmindful of the lacing it took from the Supreme Court in the Pottsville and Sanders cases.

The FCC attorneys cannot be criticized for their diligence in taking every advantage of the limitations of the law and by using Congressional debates and self-serving interpretations of the law to gain their legal ends. But the broadcasting industry certainly can be if it stands idly by and permits itself to become the victim of a complete regulatory blockade.

Congress is in session. Several legislative leaders have pointed to the need for a reappraisal of the Communications Act of 1934. Actually, the provisions of the law relating to radio were carried over from 1937. They are antiquated. They do not fit the present operating structure, and therefore cannot conceivably serve "the public interest." It is time to have a redefinition of the statute. The courts want it. Congress is responsible for it. It constitutes an urgent need for the whole communications industry. Certainly the FCC should welcome legislative action that clearly would spell out the intent of Congress in preserving for the public the best radio service that can be provided.

Baring the Books

OUT OF A CLEAR—well, almost—sky, broadcast stations have received penetrating questionnaires from the leading radio agency, Blackett - Sample - Hummert. Strategically located at the mouth of an enormous money bag, this agency comes to stations with a polite demand that they bare many of their choice trade secrets.

The agency wants a complete list from each station of its program schedules, with an itemized list showing name of program, sponsor, product, length of time product has been advertised on station—all this for announcements and chain breaks as well as regular programs. In addition, the agency requests coverage information, which stations are ready and willing to provide in considerable detail.

Now if a thousand or so other radio agencies come through with similar requests, stations will have a lively time meeting the factual demand. Already they are loaded with stocks of questionnaires. Perhaps the job, if it must be done, could be more easily handled by a central research organization, such as American Association of Advertising Agencies, of which B-S-H is not a member.

The RADIO BOOK SHELF

DEVELOPMENT of the klystron, revolutionary little ultra-high frequency resonator, by the Varian brothers is traced in a Feb. 8 *Saturday Evening Post* article, "The Klystron Boys," by Frank J. Taylor. The inexpensive, lightweight "miracle machine", which provides "an astonishing new radio beam promising to answer the prayers of communications engineers", is cited in the article as the most important radio development in communications since the DeForest audion. Its uses in radio and telephone communications, along with its military and aeronautical application, are described, along with a chronicle of the development work by scientists at Leland Stanford U.

HELENE S. BURTON of the press department of WOR, Newark, is the author of six one-act plays for children included in William Koslenko's anthology of *100 One-Act Plays*, to be released shortly by Greenberg Publishers, New York.

We Pay Our Respects To —

DOROTHY MOORE LEWIS

BETTER radio programs for children are a genuine concern of Dorothy Lewis. They must be or she would not have accepted an assignment calling for some 23,500 miles of traveling all over the United States in 5½ months last year, visiting 341 stations in 168 cities in 39 States, and incidentally holding 89 separate conferences with 5,000 club and civic leaders.

As the specially appointed traveling representative of the Radio Council on Children's Programs and the NAB, Mrs. Lewis supplies unique qualifications for a penetrating study of how juvenile broadcast features may be improved. Her report on this project, presented Feb. 4 at a New York luncheon, emphasized the effectiveness of her work.

Dorothy Lewis has done just about everything in radio except participate in technical operations. Also she is a well-known club woman, raconteur, traveler, program-builder and mercantile merchandiser. And in addition to all this she is the mother of two young daughters, 19-year-old Charlotte, and 18-year-old Barbara, at present all wrapped up in school at Guilford College, in North Carolina, and Mary Washington College, Fredericksburg, Va., respectively. Lumping all this into a single field of experience yields a person certainly qualified to approach the juvenile program problem on a practical basis.

Mrs. Lewis, nee Dorothy Moore, was born Dec. 22, 1896, in Albany, N. Y. Her antecedents go back into distinguished New England stock dating from the time of the Mayflower. An only child, she was graduated from Rye Seminary in 1916, subsequently majoring in piano and voice in New York. Before marrying, she appeared frequently in music recitals and taught piano in New York and Westchester. In 1920 she was married to Edwin C. Lewis, of Boulder, Col.

A champion of better programs for kids as far back as 1926 Dorothy started one of her first programs, *Journeys Through Music Land*, on the old WRNY. Other programs followed, among them *Guessing Time*, a forerunner of the quiz and adult music features.

Upon reorganization of the old WCOH, operated by Westchester Broadcasting Corp., Mrs. Lewis was named station manager. Faced with severe competition from New York stations and an unfavorable studio location, she secured the cooperation of a group of Westchester County organizations in producing a weekly program series that drew heavy listening. In addition she wrote a radio column for several newspapers in the Westchester area. And it was upon her advice that WCOH, now WFAS, finally was moved to White Plains, the county seat, where the station has since developed under the guidance of Frank A. Seitz.

Opportunities to broadcast on several of the metropolitan stations took Mrs. Lewis back to the artist field. During this period she created several programs on WOR, New York, among them *Puzzle Hour* and *The Scrapbook Club*. The latter show received remarkable response and was sponsored at various times on WOR, WEAF, and the Yankee Network—she commuted to Boston each week to handle the program for the Yankee broadcasts. A high point of this program came when 2,000 scrapbooks made by American children were sent to Princess Mary and Isabel MacDonald, daughters of the then Prime Minister of England, who replied to Mrs. Lewis that the scrapbooks had been distributed to British children in hospitals.

Besides these features, Dorothy Lewis conducted the *Women's Forum Hour* on WMCA, supervised a vocal trio on WHN and WOR and held immense Christmas parties at which thousands of toys and books were distributed to underprivileged

(*Continued on page 36*)

Personal NOTES

PAT STANTON, general manager of WDAS, Philadelphia, has been commissioned by the Non-Theatrical Films, Inc., of New York, to produce another Irish full-length feature picture as a sequel to his *Here Is Ireland*.

LORRIN P. THURSTON, president of the Honolulu Advertiser Publisher Co., which owns and operates KGU, that city, was married to Stephanie Wichman in Piedmont, Cal., on Jan. 26.

FRANK R. CLARKE, formerly commercial manager of WWRL, Woodside, Long Island, has been named local sales manager of WCNW, Brooklyn, N. Y.

G. W. (Johnny) JOHNSTONE, director of radio for the Democratic National Committee and chairman of the radio division of the Committee for the Celebration of the President's Birthday Ball, will organize radio activities for the March 29 Jackson Day dinners, following a month's rest in Florida.

JOHN H. FERGUSON, salesman of WOAI, San Antonio, has been called up through selective service for military training at Fort Sam Houston, Tex.

WALTER BOWRY, new to radio, has been appointed manager of local sales at WMBG, Richmond, replacing Bill Filer who has been made promotion manager of the City of Richmond Utility Division.

EARL GLADE'S resignation as a member of the board of KSL, Salt Lake City, was not acted upon by the board's meeting in latter January and the matter was set aside, according to Ivor Sharp, station manager.

WM. C. GILLESPIE, vice-president and general manager of KTUL, Tulsa, Okla., is vacationing at Miami Beach and Key West. L. A. Blust, formerly of KTOK and WKY, Oklahoma City, and KWFT, Wichita Falls, Tex., has joined the local sales department of KTUL.

BERNARD M. DABNEY Jr., formerly commercial manager of WGAC, Augusta, Ga., has joined the sales staff of WDEF, Chattanooga, Tenn.

J. B. MITCHELL, formerly program director of CKTB St. Catharines, Ont., has been named station manager, succeeding Paul Frost who resigned to become manager of a Sudbury theatre. W. G. Adamson, of the announcing staff, has been appointed program director.

NILES TRAMMELL, president of NBC, has been named chairman of civilian mobilization for The Salvation Army, which on Jan. 30 started its drive for $375,000 for the continuance of its 58 services in New York City for 1941.

DON STALEY, of the commercial department of KLX, Oakland, Cal., recently became the father of a son.

EDWARD McCALLUM for approximately one year account executive of KUTA, Salt Lake City, has been appointed sales manager. One time manager of KYA, San Francisco, he was Salt Lake City representative of KLO, Ogden, before joining KUTA.

PAUL H. RAYMER, head of Paul H. Raymer Co., New York, on his annual visit to stations representated by his firm, was in Los Angeles during early Feb. for conferences with J. Leslie Fox, Southern California manager.

A. F. HARRISON, radio sales manager of United Press, on Feb. 4 underwent an operation for gastric ulcer. He is at the Mary Immaculate Hospital, Jamaica, N. Y.

C. ARTHUR FIFER, manager of WTAD, Quincy, Ill., has had a song published by BMI titled "Lola".

J. L. REINSCH, general manager, and B. M. Prance, farm director of WSB, Atlanta, spoke before the 42nd annual convention of the Association of Southern Agricultural Workers on the part farmers play in national defense.

J. L. ALEXANDER, Toronto station representative, on Feb. 1 opened an office in Montreal, at 1117 St. Catherine St. West., with James Vernon as Montreal manager.

REGGIE MARTIN, general manager of WINX, Washington, and Mrs. Martin, on Jan. 10 became the parents of a 10 lb. son, Jeffrey Buell. It is their first child.

ED BUNKER salesman of WIS, Columbia, S. C., in early spring is to marry Catherine Gooding.

MILTON RUBEL, for the last five years salesman of WAAF, Chicago, on Jan. 27 joined the sales department of WIND, Gary, Ind.

MAURY GAFFNEY, formerly in the CBS copy and promotion department and previously trade news editor for the network, has resigned to join Magazine Marketing Service, a branch organization formed to further the interests of the 63 magazine members of the National Publishers Assn.

RUTH RICH, executive secretary of the Women's National Radio Committee, has resigned following a meeting of the Committee at which it was decided all executive duties of the group would be assumed temporarily on a volunteer basis, pending arrangements for a more definite plan of action. Miss Rich has not announced her future plans.

ARNOLD J. JAFFE, formerly commercial manager of WBBC, Brooklyn, and also in charge of a series of Jewish programs on WOR, New York, has been appointed director of Jewish programs of WHOM, Jersey City.

JACK KEASLER, commercial manager of KGKO, Fort Worth, has resigned to join WOAI, San Antonio.

CLARENCE EVANS, sales staff of WCBS, Springfield, Ill., recently revealed his marriage to Velma Medders which took place last October.

IRVING F. WELCH, general manager of WCOA, Pensacola, Fla., has been elected to fill two civic positions, secretary and director of the Pensacola Kiwanis Club for the year 1941 and director of the Pensacola chamber of commerce.

BURRIDGE D. BUTLER, president of WLS, Chicago, has returned to his winter home near Phoenix, where he operates KOY and the *Arizona Farmer*.

HAROLD E. FELLOWS, manager of WEEI, Boston, has been elected chairman of the Massachusetts State Broadcasters Committee.

CMCD Man Killed

BERNARDO MENENDEZ, an employe of CMCD, Havana, Cuba, was killed Jan. 31 on a Havana street when unknown assailants fired a fusilade of shots from an automobile and fled. Police believed the killing was a case of mistaken identity. Menendez closely resembled former Police Lieutenant Abelardo Caro, who lived in the district and had incurred the hatred of revolutionary groups during the regime of General Gerardo Machado.

Courtin' a Sweet Thing..

KRRV is courting the favor of a million and a quarter folks in 36 counties of prosperous North Texas and southern Oklahoma. And winning it, too, with showmanship and skilled programming. With 1,000 watts and full-time coverage, KRRV has a thrifty rate scale that makes this station a REAL buy! For more information, write KRRV, Sherman and Denison, Texas.

An Affiliate of the
MUTUAL BROADCASTING SYSTEM
TEXAS STATE NETWORK

The Sherman-Denison Station
KRRV
880 KC. 1000 WATTS

BEHIND the MIKE

FRANCIS MALONEY has joined the New Haven studios of WICC, Bridgeport, Conn., succeeding the late John Reilly. Katharine Royce Leeds, woman news analyst and for several years European assistant to Wythe Williams, has started her own weekly war news program on WICC.

WOLFGANG MARTIN, exile from Austria where he was a noted conductor, and now prominent in Baltimore musical circles, has been named musical director of the new WITH, Baltimore local which expects to start operations March 1, according to Harold Kaye, program director.

FELIX BOSWELL, formerly announcer of WMBG, Richmond, has been commissioned a first lieutenant in the RAF.

ALAN REED, CBS New York announcer, is the father of a baby boy born Jan. 29.

CLARENCE GARNES, sportscaster, formerly of KANS, Wichita, has joined the WOWO-WGL sports department. He will work with Hilliard Gates on the Indiana state basketball tournaments and various other sports events.

JOHN MELBOURNE, a member of the talent staff of WCBS, Springfield, Ill., is the father of a boy born Jan. 25.

JOAN DALE has joined KFDA, Amarillo, Tex., succeeding Lois Fay as director of women's activities.

MURIAL HAMS, formerly of KXYZ, Houston, Tex., has joined the continuity staff of KTUL, Tulsa, Okla.

Moral!

KENNEDY LUDLUM, announcer and music annotator at WOV, New York, by changing his name for air purposes to "Bob Kennedy", acquired a "wife, two kiddies, and a suit for $1,000 back alimony". A woman who heard "Bob Kennedy" on the air, thinking it was her long lost husband, swung into action. Ludlum, after retaining a lawyer to prove his innocence, has dropped the nom d'air.

EDDIE TABOR AND FRANK AUSTIN, formerly on the staffs of Oakland stations, have joined Western Radio Productions in Oakland, Cal., and are engaged in free-lance production for a number of stations.

JACK DUNLOP, Canadian Broadcasting Corp. station relations department, Toronto, was married to Pegge Lee, of Buffalo, at Toronto Feb. 1.

PAUL CHARLES LAW has joined KUTA, Salt Lake City, as announcer.

LOU HUSTON, formerly writer-announcer of KFOX, Long Beach, Cal., has joined KMPC, Beverly Hills, Cal., as continuity editor.

JERRY PIVEN, formerly of WGBI, Scranton, Pa., on Feb. 10 was to join the announcing staff of WDRC, Hartford, Conn.

EDDIE PEABODY, featured on the WLS, Chicago, *National Barn Dance* and many NBC programs, is the father of a boy, Eddie, Jr. born Jan. 29.

ROBERT WILL, announcer of WIRE, Indianapolis, has returned to his duties following a minor operation.

MICHAEL CIPRIANI, formerly of the WGN, Chicago, page staff, has passed preliminary screen and sound tests for M-G-M and sent to New York for final screenings.

REX MOODY statehouse reporter of WJDX, Jackson, Miss., has received an honorary commission as colonel on the governor's staff.

LEIGHTON H. BLOOD, formerly press representative for Town Hall, New York, and previously managing editor of *Investment News*, has been named trade news editor of NBC in New York, succeeding Bill Norris, who has been transferred to the NBC night desk.

JOHN FACENDA, announcer of WIP, Philadelphia, has been named night supervisor of the station, replacing Howard Brown, who is transferred to the day shift.

ANTHONY BOVE, studio harpist of WPEN, Philadelphia, has been commissioned to record eight BMI numbers for the Acme record label in New York.

EDITH MEISER, New York writer of the NBC *Sherlock Holmes* serial, sponsored by Grove Laboratories, is in Hollywood for one month to visit her husband, Tom McKnight, producer of that show.

GAYNE WHITMAN, Hollywood narrator-actor, has been signed to share announcing assignment on the NBC Kay Kyser's *College of Musical Knowledge*, sponsored by American Tobacco Co., when the weekly program switches to the West Coast for origination on Feb. 12.

PEGGY ALSTON has joined the continuity department of WOAI, San Antonio, Tex.

JAMES V. MONTGOMERY, announcer of KSCJ, Sioux City, has resigned to go with KFRO, Longview, Tex.

Meet the LADIES

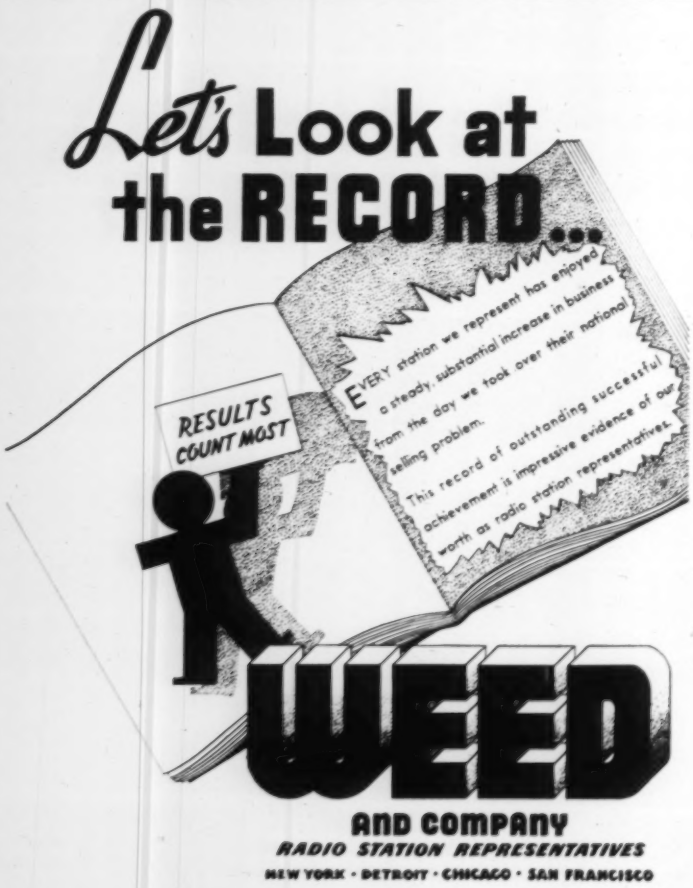
ALLENE STIDHAM

IT'S often been said that you have to be able to do more than one thing to succeed in radio. Take Allene Stidham for instance! When WIBC, Indianapolis, was organizing its staff back in 1938, C. A. McLaughlin, station manager, was looking for a versatile young lady who could type, act as receptionist and play the piano. Miss Stidham, a graduate of Butler U, did him one better. Not only could she fill Mr. McLaughlin's requirements but she could also sing. However, she didn't get much chance to use all her talents for it wasn't long before Program Director Bob Longwell made her his assistant and then in turn traffic manager—that unsung job of radio requiring a combination of genius, business woman and idealist. In addition, to seeing that the right program gets on the air at the right time and making sure that no "spots" are moved without the proper okay, Miss Stidham conducts the *Kiddies Karnival*, a children's program every Saturday morning. When not involved in station activities, she likes to listen to her favorite symphonies.

JOE RINES, former hand leader, has been named musical director of WMCA, New York, effective March 22, expiration for the eight-week notice required by Local 802 of the AFM for Lee Grant, leader of the WMCA house orchestra and current musical director of the station.

JOE TOWNER, formerly of WMPS, Memphis, has joined KMPC, Beverly Hills, Cal., as traffic manager.

DEE HARTIGAN, formerly of WKNY, Kingston, N. Y., has joined WPRO, Providence, R. I.


Let's Look at the RECORD...
RESULTS COUNT MOST
EVERY station we represent has enjoyed a steady, substantial increase in business from the day we took over their national selling problem.
This record of outstanding successful achievement is impressive evidence of our worth as radio station representatives.
WEED
AND COMPANY
RADIO STATION REPRESENTATIVES
NEW YORK · DETROIT · CHICAGO · SAN FRANCISCO

KSCJ
SIOUX CITY IOWA
The JOURNAL
5000 WATTS DAY
1000 WATTS NITE
The ONLY Radio Transmitter of this or greater power within 75 miles of Sioux City

Ogilvie Named to Direct Tri-City Stations Sales

CARL B. OGILVIE, of the staff of WLVA, Lynchburg, Va., has been chosen to head the newly-created sales organization of Tri-City Stations, which began functioning Feb. 1 as a co-operative national sales agency for WSLS, Roanoke; WBTM, Danville, and WLVA. The three stations were linked together when WSLS went on the air last October, half-owned by the Allen brothers, owners of WLVA, who also operate WBTM under lease.

Mr. Ogilvie

The new association will handle all national advertising contracts, booking and billing the accounts. Its executive offices are located in Lynchburg. Mr. Ogilvie joined WLVA last October. He is a former writer with many years of sales and advertising experience in newspapers, magazines and agencies in New York and Chicago.

JACK GUINAN, formerly of WGBI and WQAN, Scranton, joined the announcing staff of WCAU, Philadelphia.

BESSE HOWARD, news commentator of KYW, Philadelphia, is conducting weekly discussions on current events at the Baldwin School in Bryn Mawr, Pa.

BILL STERN, NBC sports announcer, has been assigned a role in a Warner Bros. feature, "Listen America."

WILLIAM STOVIN, son of Horace N. Stovin, station representative at Toronto, has joined CKSO, Sudbury, Ont., as publicity manager.

H. V. KALTENBORN, NBC news analyst, has been named a founding member of Phi Beta Kappa Assn., the first person prominently identified with radio to be chosen as associate.

JOHN SCOTT TROTTER, Hollywood musical director of the NBC Kraft Music Hall, sponsored by Kraft Cheese Co., has been signed by Paramount Studios to write the score of the film, *Kiss The Boys Goodbye*. Connie Boswell, vocalist on that program has been assigned a role in the picture.

PATRICIA DAYTON of the staff of KMPC, Beverly Hills, Cal., for the past six months, has been appointed station publicity director.

DAVE DRUMMOND, producer of KPO-KGO, San Francisco who had been writing the script for *Hawthorne House*, sponsored by the Wesson Oil and Snowdrift Co. over the NBC coast Red recently resigned. Cameron Prud'homme is now writing the radio serial story.

RAYMOND S. MORGAN, formerly of WCOP, Boston, has joined the staff of WINX, Washington, as news commentator-announcer.

JAMES LAWRENCE, formerly of KLO, Ogden, Utah, has joined the production staff of KOVO, Provo. George Killian has been transferred from the sales staff to production.

WAYNE C. BYERS, formerly of WHLB, Virginia, Minn., has joined the announcing staff of WHBC, Canton, O.

STEPHEN McCORMICK, Robert Diehl and Roberts Brooks, of the WOL, Washington, announcing staff, have been on the sick list with attacks of influenza. Brooks was scheduled to leave Feb. 1 for one year's training with the National Guard.

FRANK E. CHIZZINI, radio recording manager of NBC, Chicago, on Feb. 3 returned to his desk following a business trip to New York.

Flyer Ivey

A SPECIAL STUNT provided an appealing broadcast for WSB, Atlanta, recently in the form of an on-the-spot airing of airplane maneuvers. While Announcer Hugh Ivey performed a series of colorful spins, rolls, and loops in a CAA training plane, Special Events Announcers Herbert Harris and Bob Pollock described the event. Ivey was performing for a flying license. He has been taking lessons in spare time.

JOHN CLARKE, promotion manager of WRBL, Columbus, Ga., has taken a year's leave of absence to work in the recreational department of Fort Benning, Ga.

FRANK LEPORE, former stage manager in NBC's television department, on Feb. 11 reports to Ft. Monmouth, N. J., as a second lieutenant in the Army Signal Corps.

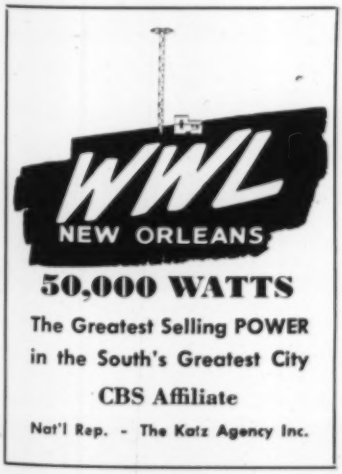
EZRAL WAGES has been added to the music library staff of WSB, Atlanta, as assistant. Manuel Cooper, formerly assistant merchandising manager, has been made assistant publicity director. Pauline Mozeley and Katherine Woodhurst exchange positions, becoming assistant receptionist and joining the production department respectively.

HERBERT L. JOHNSTON has joined WDZ, Tuscola, Ill., as publicity director.

ALLEN KING, announcer of WRBL, Columbus, Ga., has been called to the Army for a year's service as first lieutenant.

JOHN B. HUGHES, newscaster of KFRC, San Francisco, recently started a Monday through Friday daytime news period on MBS.

RUDY VALLEE, Hollywood star of the NBC Rudy Vallee Show, sponsored by National Dairy Products Corp., New York, resigned as president of the Vis-O-Graph Corp., phonofilm and projector manufacturing company. Vallee said that film and radio commitments made it impossible for him to continue in that capacity.



50,000 WATTS

The Greatest Selling POWER in the South's Greatest City

CBS Affiliate

Nat'l Rep. - The Katz Agency Inc.

We all know the accepted mathematical ability of the lowly rabbit. It can multiply like all "git out".

We've been doing a little figuring ourselves and found that . . .

84% of all retail sales in North Dakota

50% of all retail sales in South Dakota

7% of all retail sales in Montana

are made within the primary area of KFYR

to say nothing of the sales made in our Secondary.

550 Kilocycles
NBC Affiliate

KFYR

5000 Watts Day
1000 Watts Night

Meyer Broadcasting Company

Bismarck, N. Dakota

Ask any John Blair Man

WCAO

The Voice of Baltimore since 1922

★

Columbia Basic since 1927

★

Broadcasting on 600 kc.

Dorothy Moore Lewis

(Continued from page 33)

kiddies. For a brief period she assisted Katherine Tift Jones in merchandising for Bambergers' store and for another year or two was associated with the Arthur S. Hirshon advertising agency and Ida Bailey Allen's studio-laboratory, gaining experience in program building and radio's advertising angle.

In the midst of this activity she took a 5,000-mile trip to Colombia, in South America. In Bogota she acted as representative and buyer for several large merchandising houses, returning to New York and opening an import-export office. Along wtih the department store merchandise came two white pedigree Persian cats via Pan-American Airways, riding in a specially constructed basket equipped with food and instructions in English and Spanish. The cats' journey made plenty of news.

Although broadcasting activity continued for her through all this, she got behind another idea which resulted in the opening of the first Latin American shop in New York at Wanamaker's. For this promotion Mrs. Lewis procured a large part of the stock, importing from most of the Latin American countries. Museum pieces were secured for exhibit and sale. Although the venture was not so profitable in dollars and cents, and expansion into a world-wide shop was nipped by a "Buy America" wave, the project interested her for its good neighbor slant.

In recent years Mrs. Lewis has served as national program chairman and national director of juniors for the National Society of New England Women, ultimately taking over also as national radio chairman of the organization, a post she presently holds. In this capacity she serves on the executive board of the Women's National Radio Committee, the Institute of Oral & Visual Education. For two years she also assisted the radio committee of the National Federation of Press Women.

With Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs, and several other national chairmen, Dorothy Lewis founded the Radio Council on Children's programs—in direct response to requests to improve children's programs, coming both from interested women and advertisers, who were a little at a loss as to how best meet the requirements of parents and children alike. After several meetings with industry representatives, radio editors and the FCC, it was concluded that far too little information was available on children's programs.

Last year, under joint sponsorship of the Radio Council on Children's Programs and the NAB, Mrs. Lewis was asked to tour the nation, surveying stations and gathering data on as many juvenile shows as possible, and making numerous local and network broadcasts in connection with the study. She agreed to do it on condition that it be conducted as a public service, leaving her free to talk with all groups. The foregoing figures attest the thoroughness of the job she did.

When not at work, Dorothy Lewis takes an hour each day to practice piano. However, her major hobby, apart from young folk and cooking, is the farm, Echo Comes, at Kinder Hook, N. Y., where the latchstring is always out. Years ago the farm and its 20-acre lake were visited by Washington Irving. The former owner, Jesse Merwin, is said to have inspired Irving's famed Ichabod Crane in "The Legend of Sleepy Hollow."

Sibson Named to Head Group's Office in Dallas

KEN SIBSON, general manager of KRGV, Weslaco, Tex., has been named general manager of the new central sales office opened in Dallas by the Taylor - Howe - Snowden group.

Guy Bradford, assistant manager, has been named manager of KRGV, succeeding Sibson. The T-H-S group is composed of KGNC, Amarillo; KFYO, Lubbock; KTSA, San Antonio, in addition to KRGV. Purpose is to give advertisers a group of stations under the same supervision with parallel merchandising and operation policies.

Howard H. Wilson Co. will represent KGNC, KFYO and KRGV while John P. Blair & Company will take over representation of KTSA March 1.

8 MORE

National Advertisers in the last 2 weeks have added WLAW

Since Dec. 1st . . . 23 prominent advertisers have "signed up" with "The Voice of Northern New England". Here they are—

- LIPTON'S TEA
- PHILIP MORRIS CIGARETTES
- SPRY
- NATIONAL DAIRY
- WONDER BREAD
- ANDY BOY PRODUCTS
- GULF REFINING CO.
- LUCKY STRIKE CIGARETTES
- RINSO
- BULOVA WATCH
- WARD BAKING CO.
- MARLIN BLADES
- STATLER TISSUE
- MUT. SAV. BANKS of Mass.
- PHILA. & READING COAL
- CHRYSLER CORPORATION
- LYDIA PINKHAM
- SWAN SOAP
- PEPSI COLA
- SALADA TEA
- BOSTON & MAINE R.R.
- CLEERCOAL
- MARMOLA

Why Not be Next On this List?

WLAW

5000 Watts

LAWRENCE, MASS.

C.B.S. Affiliate

National Representatives

The Katz Agency

KMBC of Kansas City

is pleased to announce the

appointment of

A. & S. LYONS, Inc.

as

KMBC Talent Representatives

in the New York and

Hollywood Areas

FEB. 1, 1941, ARTHUR B. CHURCH, PRESIDENT

THREE long years Johnny Gillin, general manager of WOW, Omaha, waited to get auto tag No. 590, same as the station wavelength. "He just smiled us out of it," said the license clerk issuing the plates.

Belgrade Ruling Awaited On Status of Burdett

DECISION on the status of Winston Burdett, suspended CBS Belgrade correspondent, is expected to be announced this week. The CBS newsman was denied use of radio and international telephone facilities as a result of a story reporting rioting in northern Italian cities.

When CBS used the story, the Italian consul lodged a protest. The State Department has asked American diplomatic officials in Belgrade to inquire into the case and as BROADCASTING went to press they were still attempting to straighten out the matter with the Jugoslav foreign ministry.

Replies to FTC Charges

DeFOREST'S TRAINING Inc., Chicago vocational school, and J. H. Camp, trading as Drug Profits Inc., Ravenswood, W. Va., have filed answers to Federal Trade Commission complaints charging misrepresentations in advertising. The DeForest school maintained in its answer that it had complied with a previously entered stipulation and denied making exaggerated, false or misleading statements regarding employment prospects for its graduates. Drug Profits Inc., charged with misrepresentation in radio advertisements for Phalene and Burtone, medicinal preparations, declared it had revised its advertising literature to meet the FTC charges.

Harlan Station Plans

PLANS for the new WHLN, Harlan, Ky., to go on the air some time in April have been announced by Combs Blanford, former manager of WBTH, Williamson, W. Va., who is manager and 46⅔% stockholder. The station, located in Kentucky's famous coal county, was granted last Dec. 5 by the FCC to the Blanfox Radio Co. to operate with 250 watts on 1420 kc. Other stockholders are Richard B. Helms, now with WCHS, Charleston, W. Va., who will be commercial manager, 46⅔%; and John Francke Fox, also from WCHS, who will be chief engineer, 6⅔%. The only other staff appointment thus far is James Simms, now connected with radio on the Pacific Coast, as program director and engineer. Collins equipment will be used in the transmitter and studios.

Dalberg Opens Office

MELVIN H. DALBERG, fromer FCC examiner and special counsel of the Federal Power Commission, on Feb. 3 announced opening of law offices in the National Press Bldg., Washington. He will specialize in radio and other departmental practice. Mr. Dalberg was an FCC examiner from 1934 until 1938. Last year he served with the Federal Power Commission in a trial examiner capacity.

WSGN to 610 kc.

WSGN, Birmingham, operated by the *News*, on Feb. 4 was given a conditional modification of license authorizing a shift in frequency from 1310 to 610 kc., with a power increase from 250 watts to 1,000 watts, using a directional both day and night. The grant was made subject to questions involved in hearing on renewal proceedings. The new transmitter will be located on the State fair grounds.

Block Seeks Another

PAUL BLOCK & Associates, publishing the *Toledo Blade* and *Pittsburgh Post-Gazette* and an important factor in the newspaper representation field, has applied to the FCC for a new 1,000-watt station on 600 kc. in Toledo. The Class III-B station presumably would be affiliated with the *Toledo Blade* and operated by a subsidiary to be known as WTBS Radio Co. Inc. The Paul Block interests also own WWSW, Pittsburgh.

America Writes

MASH NOTES

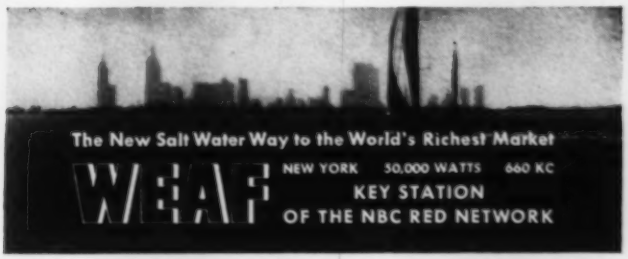
to a Radio Signal!

From North, South, East, West they come—letters, fan letters by the thousands complimenting us on WEAF's new and stronger signal. Listeners in Florida, Texas and Nebraska—one, even, from distant Alaska—write to tell us now they tune in WEAF direct!

Glad to hear from people far away, naturally. Not merely because we like to read nice things about ourselves but also because it proves that people nearer home—the millions in the world's richest and most concentrated market—can hear us better, too. Today, as a matter of fact, listeners in the New York area hear WEAF programs from 2½ to 10 times more clearly than before!

How come? Very simply! WEAF's stepped-up signal dates from November eighth when we moved its new 50,000-watt transmitter to Port Washington. From that location the ground wave, hurtling into New York, travels almost entirely over Long Island Sound—and Mother Nature hasn't yet devised a better sounding board for radio than salt water.

So, for greater sales in the world's greatest market, route your radio dollars "via WEAF's new 'salt water way' into New York."



Represented nationally by *Spot* Sales Offices of the
NATIONAL BROADCASTING COMPANY
A Service of Radio Corporation of America

KIDO
Boise
NBC
Red and Blue

KIDO *NBC*
Idaho's Metropolitan Station
serves
46%
Of Idaho's Total Retail Sales

JOHN BLAIR & CO.
Nat. Reps.

ACTION

IN AMERICA'S SECOND MARKET

NEW SHOWS started by WBBM in the last two months number six. And our salesmen are toting a new half-dozen for your consideration. Consider this, too. Nine years in a line advertisers have laid more cash on our counters than with any of our competitors. That's a record. It's a response to results they receive.

Pictured below are Burry Bakery men, makers of CRAX, talking over their new program's results with WBBM's Tommy Bartlett.

DEALERS. Writes Mr. Paris, Nelson Brothers' manager for their store in the nation's thirteenth largest city: "*WBBM, although ninety miles away, exerts a powerful influence on Milwaukee. And on me, incidentally. Because I know it produces cash register customers.*" Two surveys have shown dealers in general have a 30% preference for WBBM advertising back of the products they sell.

Talk About CONSUMER DEMAND!

We build it! Originated by WBBM each week are 34 big CBS shows. Shows whose average CAB rating is far higher than their competition. That illustrates WBBM's abundant abilities and facilities. Convincing proof that we can create consumer day-in-and-day-out demand. That we can build it for your program and product. Before you buy radio *anywhere*—local, network or spot—why not see what WBBM's sales-conscious program department can suggest? Incidentally, the picture above is of Dale Evans, star for Bowey's Dari-Rich show which is written, directed and produced by WBBM.

WORLD'S BUSIEST CORNER! State and Madison, Chicago. America's second market *plus* primary dominance of 222 additional urban centers and half a million farm families . . . that's the market WBBM can give you a "corner on." A market of ten million people, $5,965,863,000. And a market easy to influence with a single medium, WBBM.

Get the facts. Get on WBBM. And get selling to millions more.

50,000 WATTS **CHICAGO**

Owned and operated by
the Columbia Broadcasting System

Represented by RADIO SALES:
New York, Chicago, Detroit, St. Louis,
Charlotte, Los Angeles, San Francisco

Navy to Authorize Operations News

Stations and Networks Asked To Cooperate by Knox

RADIO stations and networks have been asked not to use important Navy news, unless announced or authorized by the Department itself, in a "confidential" letter from Secretary Frank Knox. A similar letter was addressed to "news, magazines, and photographic agencies" in response to requests "to advise them as to the manner in which they can make their services more helpful to the Navy."

At least one major network has issued instructions to its news editors to comply with Mr. Knox's request. However, it was pointed out that most radio news comes from wire services and very little dealing with the Navy is original. It is understood the wire services, as a matter of course, check news tips with the department.

Four Main Points

Officials of NBC and CBS were reluctant to discuss the letter pointing out that it had come to them "confidentially" and that they did not care to be placed in the position of discussing "confidential communications" from the Government. MBS headquarters in New York said it had not received the letter but pointed out that because of the networks organization it probably went to individual stations.

BROADCASTING, after checking with the Navy's office of public relations in Washington, decided to publish the four main points of Mr. Knox's communication for the information of station operators. They are:

"Your cooperation is requested after Jan. 15 in the avoidance of publicity — unless announced or authorized—on the following subjects:

'1. Actual or intended movements of vessels or aircraft of the Navy, of units of naval enlisted personnel or divisions of mobilized reserves, or troop movements of the Marine Corps;

"2. Mention of 'secret' technical U. S. naval weapons or development thereof;

"3. New Navy ships or aircraft;

"4. Navy construction projects ashore."

Secretary Knox announced Feb. 5 that he had received the practically unanimous endorsement of the press to his letter.

Dr. Pepper Spot Series Placed on 35 Stations

DR. PEPPER Co., Dallas (soft drinks) is starting on 35 stations a half-hour transcribed variety program, *The Dr. Pepper Parade*. Program features Peter Van Steeden's orchestra; Pat Padgett and Pick Malone as Molasses & January; Jack Arthur, male vocalist; Margaret McCrae feminine vocalist as Pretty Peggy Pepper. Columbia Recording Corp., Bridgeport, did the recording. Series was placed through Benton & Bowles on the following stations, starting about Feb. 10:

KTSM WJDX WCOA WFBR KOB WDAF KSD WAPI WBT WRC KNX KFH WWL WKY KWKH WFBC WJAX WAPO WSJS WSFA WPTF WDBJ WFAA-WBAP WOAI WSM WSB KPRC KVOO WREC WRVA KLRA WMAZ KGBX WBOC KDYL.

The Other Fellow's VIEWPOINT

Answers Mr. Kane

EDITOR, BROADCASTING,

Referring to your Jan. 27th issue, in which a sales manager writes, in your viewpoint column, and I quote, "too many people have been too feeble after listening to the BMI to call up the broadcasting stations to complain".

Now, I do not intend to enter into a debate regarding the ASCAP controversy, or our sales manager's opinions. However I have been trying to determine, in my own mind, whether or not we do miss ASCAP music. Frankly, I can't even remember what songs are lacking. I've tried to recall which songs were most popular before the ban and I can't seem to do it. I fail to note a change in the music of the air today, except, possibly, the repeated renditions of "Frenesi" and a few others, and may I ask what is wrong with them? When ASCAP music was played, didn't we have repeated renditions of the popular songs then?

It seems to me that this controversy will bring out new talent with fresh ideas, and what group, be it commercial or otherwise, can get along without fresh ideas. The way is now open for many to bring their talents to the foreground and find it much easier to be recognized.

This writer, also has no connections or affiliations with either ASCAP-BMI or the radio stations, and will agree that some radio stations do have high handed methods, but don't we all, if we can get away with it? I've always found, that a little pressure brought to bear in the proper places will always bring anyone off their high horse, even as the BMI is proving to ASCAP, that the spirit of good clean competition still rules in our democratic nation.

Thank you for your kind indulgence, to my humble opinion, I remain

HARRY L. CHUPACK
Adcraft Co.
Jan. 30. Akron, O.

Cancel WAPI Hearing

WITH THE approval Jan. 29 of voluntary assignment of WAPI, Birmingham, under a lease agreement, to Voice of Alabama Inc., the FCC Feb. 4 announced reconsideration of its action last month designating the WAPI renewal for hearing. After a brisk fight in Commission meeting, it is reported, the FCC adopted an order cancelling the hearing as scheduled [BROADCASTING, Feb. 3].

KFJM Operator Asks License to Split Facility

BASED on a mutual ageement with the University of North Dakota, licensee of KFJM, Grand Forks, N. D., Dalton LaMasurier, general manager of the commercially-operated college station, has filed an application with the FCC for a new Class III-B station on KFJM's frequency, 1410 kc., to operate with 500 watts night and 1,000 day, specified hours. Simultaneously, KFJM has applied for modification of license to change its hours of operation from unlimited to specified hours with its present 500 watts night and 1,000 day.

Under the proposed setup, KFJM would broadcast from 3 to 5 p.m. daily, the remainder of the broadcast day to be used by the new station. KFJM's transmitter and studios would be moved from the present location in Grand Forks to the university campus. Mr. LaMasurier would sever all connections with KFJM, and the new station would in no way be connected with the U. of North Dakota. Mr. LaMasurier and his father also own and operate KDAL, Duluth.

WMC Dedication

WMC, Memphis, on Feb. 8 plans to dedicate new studios, claimed to be the most elaborate in the South. As part of the dedication, a luncheon to 300 leading Memphis citizens and out-of-town guests was planned. The dedicatory program will be broadcast from a new theater studio, featuring both NBC and local talent.

CASCADE MABEL butts into a broadcast being presented by WJTN, Jamestown, N. Y. Program Director Marshall Shantz (holding mike) describes the milking of Mabel, a Holstein beauty who attended the annual convention of the Holstein-Friesian Assn. Broadcast took place from an especially constructed stall in the lobby of the Hotel Jamestown.

E. B. Pickard

E. B. PICKARD, 60, sales manager of WPID, Petersburg, Va., died Feb. 1 after being stricken with a heart attack. Mr. Pickard, brother of radio's famous Dad Pickard, had left his office that day in good health and was waiting in his doctor's office for a physical examination when he collapsed.

1370 kc.

WTSP

ST. PETERSBURG, FLA.

gives

COMPLETE AND ECONOMICAL COVERAGE

of the

TAMPA BAY AREA

including ST. PETERSBURG TAMPA CLEARWATER BRADENTON & SARASOTA

WITH A PERMANENT POPULATION OF 300,000

WTSP

St. Petersburg TIMES affiliate

ST. PETERSBURG, FLA.

R. S. Stratton, Manager

Represented by

RADIO ADVERTISING CORPORATION

New York • Chicago
Cleveland

Popular
The "honey" of Tidewater Virginia. She's the sweetheart of every salesman . . . because she produces. That's WTAR! Just ask the guys who sell for you in the rich Norfolk Metropolitan Market, FIRST IN VIRGINIA, where Uncle Sam is spending over a BILLION TWO HUNDRED MILLION defense dollars! She's easy on your pocketbook, too! 5000-watts power day and night —yet with rates still based on thousand-watt output! Get a date with this honey— just call Edward Petry & Co.
NORFOLK VA. AMERICA'S No.1 SALES AREA

ACTION

IN AMERICA'S SECOND MARKET

NEW SHOWS started by WBBM in the last two months number six. And our salesmen are toting a new half-dozen for your consideration. Consider this, too. Nine years in a line advertisers have laid more cash on our counters than with any of our competitors. That's a record. It's a response to results they receive.

Pictured below are Burry Bakery men, makers of CRAX, talking over their new program's results with WBBM's Tommy Bartlett.

DEALERS. Writes Mr. Paris, Nelson Brothers' manager for their store in the nation's thirteenth largest city: "*WBBM, although ninety miles away, exerts a powerful influence on Milwaukee. And on me, incidentally. Because I know it produces cash register customers.*" Two surveys have shown dealers in general have a 30% preference for WBBM advertising back of the products they sell.

Talk About CONSUMER DEMAND!

We build it! Originated by WBBM each week are 34 big CBS shows. Shows whose average CAB rating is far higher than their competition. That illustrates WBBM's abundant abilities and facilities. Convincing proof that we can create consumer day-in-and-day-out demand. That we can build it for your program and product. Before you buy radio *anywhere*—local, network or spot—why not see what WBBM's sales-conscious program department can suggest? Incidentally, the picture above is of Dale Evans, star for Bowey's Dari-Rich show which is written, directed and produced by WBBM.

WORLD'S BUSIEST CORNER! State and Madison, Chicago. America's second market *plus* primary dominance of 222 additional urban centers and half a million farm families . . . that's the market WBBM can give you a "corner on." A market of ten million people, $5,965,863,000. And a market easy to influence with a single medium, WBBM.

Get the facts. Get on WBBM. And get selling to millions more.

50,000 WATTS **CHICAGO**

Owned and operated by the Columbia Broadcasting System

Represented by RADIO SALES: New York, Chicago, Detroit, St. Louis, Charlotte, Los Angeles, San Francisco

Navy to Authorize Operations News

Stations and Networks Asked To Cooperate by Knox

RADIO stations and networks have been asked not to use important Navy news, unless announced or authorized by the Department itself, in a "confidential" letter from Secretary Frank Knox. A similar letter was addressed to "news, magazines, and photographic agencies" in response to requests "to advise them as to the manner in which they can make their services more helpful to the Navy."

At least one major network has issued instructions to its news editors to comply with Mr. Knox's request. However, it was pointed out that most radio news comes from wire services and very little dealing with the Navy is original. It is understood the wire services, as a matter of course, check news tips with the department.

Four Main Points

Officials of NBC and CBS were reluctant to discuss the letter pointing out that it had come to them "confidentially" and that they did not care to be placed in the position of discussing "confidential communications" from the Government. MBS headquarters in New York said it had not received the letter but pointed out that because of the networks organization it probably went to individual stations.

BROADCASTING, after checking with the Navy's office of public relations in Washington, decided to publish the four main points of Mr. Knox's communication for the information of station operators. They are:

"Your cooperation is requested after Jan. 15 in the avoidance of publicity — unless announced or authorized—on the following subjects:

'1. Actual or intended movements of vessels or aircraft of the Navy, of units of naval enlisted personnel or divisions of mobilized reserves, or troop movements of the Marine Corps;

"2. Mention of 'secret' technical U. S. naval weapons or development thereof;

"3. New Navy ships or aircraft;

"4. Navy construction projects ashore."

Secretary Knox announced Feb. 5 that he had received the practically unanimous endorsement of the press to his letter.

Dr. Pepper Spot Series Placed on 35 Stations

DR. PEPPER Co., Dallas (soft drinks) is starting on 35 stations a half-hour transcribed variety program, *The Dr. Pepper Parade*. Program features Peter Van Steeden's orchestra; Pat Padgett and Pick Malone as Molasses & January; Jack Arthur, male vocalist; Margaret McCrae feminine vocalist as Pretty Peggy Pepper. Columbia Recording Corp., Bridgeport, did the recording. Series was placed through Benton & Bowles on the following stations, starting about Feb. 10:

KTSM WJDX WCOA WFBR KOB WDAF KSD WAPI WBT WRC KNX KFH WWL WKY KWKH WFBC WJAX WAPO WSJS WSFA WPTF WDBJ WFAA-WBAP WOAI WSM WSB KPRC KVOO WREC WRVA KLRA WMAZ KGBX WBOC KDYL.

The Other Fellow's VIEWPOINT

Answers Mr. Kane

EDITOR, BROADCASTING,

Referring to your Jan. 27th issue, in which a sales manager writes, in your viewpoint column, and I quote, "too many people have been too feeble after listening to the BMI to call up the broadcasting stations to complain".

Now, I do not intend to enter into a debate regarding the ASCAP controversy, or our sales manager's opinions. However I have been trying to determine, in my own mind, whether or not we do miss ASCAP music. Frankly, I can't even remember what songs are lacking. I've tried to recall which songs were most popular before the ban and I can't seem to do it. I fail to note a change in the music of the air today, except, possibly, the repeated renditions of "Frenesi" and a few others, and may I ask what is wrong with them? When ASCAP music was played, didn't we have repeated renditions of the popular songs then?

It seems to me that this controversy will bring out new talent with fresh ideas, and what group, be it commercial or otherwise, can get along without fresh ideas. The way is now open for many to bring their talents to the foreground and find it much easier to be recognized.

This writer, also has no connections or affiliations with either ASCAP-BMI or the radio stations, and will agree that some radio stations do have high handed methods, but don't we all, if we can get away with it? I've always found, that a little pressure brought to bear in the proper places will always bring anyone off their high horse, even as the BMI is proving to ASCAP, that the spirit of good clean competition still rules in our democratic nation.

Thank you for your kind indulgence, to my humble opinion, I remain

HARRY L. CHUPACK
Adcraft Co.
Akron, O.

Jan. 30.

Cancel WAPI Hearing

WITH THE approval Jan. 29 of voluntary assignment of WAPI, Birmingham, under a lease agreement, to Voice of Alabama Inc., the FCC Feb. 4 announced reconsideration of its action last month designating the WAPI renewal for hearing. After a brisk fight in Commission meeting, it is reported, the FCC adopted an order cancelling the hearing as scheduled [BROADCASTING, Feb. 3].

KFJM Operator Asks License to Split Facility

BASED on a mutual ageement with the University of North Dakota, licensee of KFJM, Grand Forks, N. D., Dalton LaMasurier, general manager of the commercially-operated college station, has filed an application with the FCC for a new Class III-B station on KFJM's frequency, 1410 kc., to operate with 500 watts night and 1,000 day, specified hours. Simultaneously, KFJM has applied for modification of license to change its hours of operation from unlimited to specified hours with its present 500 watts night and 1,000 day.

Under the proposed setup, KFJM would broadcast from 3 to 5 p.m. daily, the remainder of the broadcast day to be used by the new station. KFJM's transmitter and studios would be moved from the present location in Grand Forks to the university campus. Mr. LaMasurier would sever all connections with KFJM, and the new station would in no way be connected with the U. of North Dakota. Mr. LaMasurier and his father also own and operate KDAL, Duluth.

WMC Dedication

WMC, Memphis, on Feb. 8 plans to dedicate new studios, claimed to be the most elaborate in the South. As part of the dedication, a luncheon to 300 leading Memphis citizens and out-of-town guests was planned. The dedicatory program will be broadcast from a new theater studio, featuring both NBC and local talent.

CASCADE MABEL butts into a broadcast being presented by WJTN, Jamestown, N. Y. Program Director Marshall Shantz (holding mike) describes the milking of Mabel, a Holstein beauty who attended the annual convention of the Holstein-Friesian Assn. Broadcast took place from an especially constructed stall in the lobby of the Hotel Jamestown.

E. B. Pickard

E. B. PICKARD, 60, sales manager of WPID, Petersburg, Va., died Feb. 1 after being stricken with a heart attack. Mr. Pickard, brother of radio's famous Dad Pickard, had left his office that day in good health and was waiting in his doctor's office for a physical examination when he collapsed.

1370 kc.

WTSP

ST. PETERSBURG, FLA.
gives
COMPLETE AND ECONOMICAL COVERAGE
of the

TAMPA BAY AREA

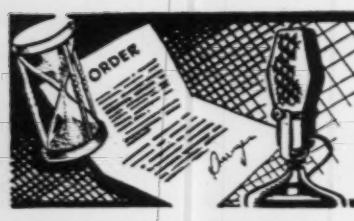
including ST. PETERSBURG
TAMPA CLEARWATER
BRADENTON
& SARASOTA

WITH A PERMANENT POPULATION OF 300,000

WTSP

St. Petersburg TIMES affiliate
ST. PETERSBURG, FLA.
R. S. Stratton, Manager
Represented by
RADIO ADVERTISING CORPORATION
New York • Chicago
Cleveland

Popular
The "honey" of Tidewater Virginia. She's the sweetheart of every salesman . . . because she produces. That's WTAR! Just ask the guys who sell for you in the rich Norfolk Metropolitan Market, FIRST IN VIRGINIA, where Uncle Sam is spending over a BILLION TWO HUNDRED MILLION defense dollars! She's easy on your pocketbook, too! 5000-watts power day and night —yet with rates still based on thousand-watt output! Get a date with this honey— just call Edward Petry & Co.
NORFOLK VA. AMERICA'S No.1 SALES AREA



THE Business OF BROADCASTING

STATION ACCOUNTS

sp—studio programs
t—transcriptions
sa—spot announcements
ta—transcription announcements

WNAX, Yankton, S. D.

Dempster Mill Mfg. Co., Beatrice, Neb. (windmills), 52 *sa*, thru Coles Inc., Des Moines.
Haskins Brothers, Omaha (Spark laundry soap), 5 *t* weekly, thru Sidney Garfinkel Adv. Agency, San Francisco.
International Harvester Co., Chicago (tractors), 13 *sa*, thru Aubrey, Moore & Wallace, Chicago.
Lincoln Airplane & Flying School, Lincoln, Neb., *sp* weekly, thru Buchanan-Thomas, Omaha.
Little Crow Milling Co., Warsaw, Ind. (cereal), 5 *sp* weekly, thru Rogers & Smith, Chicago.
Lydia E. Pinkham Medicine Co., Lynn, Mass., 5 *t* weekly, thru Erwin, Wasey & Co., N. Y.
McConnon & Co., Winona, Minn., *sp* weekly, thru McCord Co., Minneapolis.
Mantle Lamp Co., Chicago (Alladin lamps), 2 *t* weekly, thru Presba, Fellers & Presba, Chicago.
Morton Salt Co., Chicago (smoked salt), 3 *t* weekly, thru Klau-Van Pietersom-Dunlap Assoc., Milwaukee.
Olson Rug Co., Chicago (rugs), 3 *sp* weekly, thru Presba, Fellers & Presba, Chicago.
Omar Inc., Omaha (Wonder flour), 6 *sa* weekly, thru Hays MacFarland & Co., Chicago.
Pennsylvania Salt Mfg. Co., Philadelphia (Lewis lye), 5 *sa* weekly, thru Sherman K. Ellis & Co., Chicago.
Pierce's Medicines, Buffalo (Golden Medical Discovery), 5 *ta* weekly, thru H. W. Kastor & Sons, N. Y.
Reid, Murdoch & Co., Chicago (Monarch food), 12 *sa* weekly, thru Rogers & Smith, Chicago.
Smith Mother Nature Brooder Co., St. Louis (brooder houses), *sp* weekly, thru Shaffer, Brennan, Margulis, St. Louis.
Smith Bros. Mfg. Co., Carthage, Mo. (Big Smith work clothes), 3 *sa* weekly, thru R. J. Potts & Co., Kansas City.
Standard Brands, New York (Fleischmann's yeast), 10 *ta* weekly, thru Kenyon & Eckhardt, N. Y.
Standard Oil Co. of Indiana, Chicago, 6 *ta* weekly, thru McCann-Erickson, Chicago.
Storz Brewing Co., Omaha, 33 *sa*, thru Buchanan-Thomas Adv. Co., Omaha.
Vick Chemical Co., Greensboro (proprietary), 28 *sa* weekly, thru Morse International, N. Y.

WPTF, Raleigh, N. C.

Carolina Sales Corp., Greenville, N. C. (refrigerators), 5 *sp* weekly, direct.
Sheaffer Pen Co., Fort Madison, Ia., 54 *sa* weekly, thru Russel M. Seeds Co., Chicago.
Weil Fertilizer Co., Goldsboro, N. C., 30 *sa* weekly, 2 *sp*, direct.
Armour Fertilizer Co., Atlanta, weekly *t*, thru Gottschaidt-Humphrey, Atlanta.
Raleigh Tractor & Equipment Co., Raleigh, N. C., 39 *sa*, direct.
Carter Coal Co., New York (Olga Coal), 52 *t*, thru Ralph H. Jones Co., N. Y.
Anacin Co., Jersey City (proprietary), 156 *t*, thru Blackett-Sample-Hummert, N. Y.
Beeman's Laboratory, Atlanta (cold tablets), 78 *sp*, 26 *sa*, thru Harvey-Massengale Co., Atlanta.
Dr. Pepper Co., Dallas (beverage), weekly *t*, thru Benton & Bowles, N. Y.

WOR, New York

Mogowen-Educator Food Co., Lowell, Mass. (crackers), weekly *sp*, thru Badger & Browning, Boston.
Wene Chick Farms, Vineland, N. J., 3 *sp* weekly, thru Shaffer, Brennan, Margulis Adv. Co., St. Louis.
North American Accident Insurance Co., Newark, 2 *sp*, weekly, thru Franklin Bruck Adv. Corp., N. Y.
Look Magazine, New York, 3 *sp* weekly, thru Raymond Spector Co., N. Y.

WRVA, Richmond

International Salt Co., Scranton, 2 *sp* weekly, thru Simpers Co., N. Y.

WAPI, Birmingham

Beech-Nut Packing Co., Canajoharie, N. Y. (chewing gum), 6 *ta* weekly, 10 weeks, thru Newell-Emmett Co., N. Y.
E. R. Partridge Inc., Atlanta (Carhartt overalls), 6 *ta* weekly, thru Harvey-Massengale Co., Atlanta.
Chattanooga Medicine Co., Chattanooga, 5 *sp* weekly, thru Nelson-Chesman Co., Chattanooga.
Armour & Co., Chicago (meat etc.), *sp* series, thru Lord & Thomas, Chicago.
Comet Rice Mills, Beaumont, Tex., 7 *sa* weekly, thru Freitag Adv. Agency, Atlanta.
Consolidated Drug Trade Products, Chicago, 6 *t* weekly, thru Benson & Dall, Chicago.
Bristol-Myers Co., New York (Minit-Rub), 6 *ta* weekly, thru Young & Rubicam, N. Y.
Olson Rug Co., Chicago, 6 *sp* weekly, thru Presba, Fellers & Presba, Chicago.
Ward Baking Co., New York, 6 *sa* weekly, thru Sherman K. Ellis & Co., N. Y.
Dr. W. B. Caldwell Inc., Monticello, Ill. (Syrup of Pepsin), 10 *ta* weekly, thru Sherman & Marquette, Chicago.

KMPC, Beverly Hills, Cal.

Garfield Tea Co., Brooklyn (headache powders and tea), 3 *sa* weekly, thru Breen-Brodie, N. Y.
Zerbst Pharmacal Co., Kansas City (Zerbst cold remedy), 7 *sa* weekly, thru Barrons Adv. Co., Kansas City.
Parker-Bouldin Co., St. Paul (lipstick), 3 *sp* weekly, thru L. Raymond Co., Los Angeles.

WINS, New York

Ward Baking Co., New York (Tip-Top Bread), 12 *sa* weekly, 9 weeks, thru Sherman K. Ellis & Co., N. Y.
Twentieth Century Fox Film Corp., New York ("Tall, Dark and Handsome"), 6 *sa*, 3 days, thru Kayton-Spiero Co., N. Y.

WGN, Chicago

Bristol-Myers Co., New York (Minit Rub), 3 *sp* weekly, thru Young & Rubicam, N. Y.
American Chicle Co., Long Island City (Adams Clove Gum), 3 *t* weekly, 13 weeks, thru Badger & Browning & Hersey, N. Y.
National Refining Co., Cleveland (White Rose Gas), 27 *ta*, thru Sherman K. Ellis & Co., N. Y.

KPO, San Francisco

Cardinet Candy Co., Oakland, weekly *sp*, thru Tomaschke-Elliott, Oakland.
Manhattan Soap Co., New York (Sweetheart Soap), 5 *ta* weekly, thru Franklin Bruck Adv. Corp., N. Y.
John Browning Co., Oakland (jams), 2 *sa* weekly, thru Emil Reinhardt, Oakland.
American Pop Corn Co., Sioux City, Ia. (pop corn), 3 *sa* weekly, thru Buchanan-Thomas Adv. Co., Omaha.
Swerl Products Co., Oakland (soap), 4 *sa* weekly, thru Lord & Thomas, San Francisco.
Sperry Flour Co., San Francisco, *sa* series, thru Westco Adv. Agency, San Francisco.

KGO, San Francisco

Washington Cooperative Egg & Poultry Assn., Seattle, 2 *sa* weekly, thru Birchard Co., Seattle.
Denalan Co., San Francisco (dental plate cleanser), weekly *sa*, thru Rufus Rhoades & Co., San Francisco.
International Harvester Co., Chicago (tractors), 3 *sa* weekly, thru Aubrey, Moore & Wallace, Chicago.

WOAI, San Antonio

Nehi Corp., Columbus, Ga. (Royal Crown Cola), 3 *t* weekly, BBDO, N. Y.
Colgate-Palmolive-Peet Co., Jersey City (Palmolive), 5 *sa* weekly, thru Ward Wheelock Co., N. Y.
W. A. Sheaffer Pen Co., Fort Madison, Ia., 7 *ta* weekly, thru Russel M. Seeds Co., Chicago.

WQXR, New York

General Foods Corp., New York (Sanka coffee), weekly *sp*, 13 weeks, thru Young & Rubicam, N. Y.
Treat Co., New York (potato chips), 9 *sa* weekly, 13 weeks, thru Arthur Rosenberg Co., N. Y.

CKCL, Toronto

John Northway & Son, Toronto (Ladies wear chain), 3 *t* weekly, thru Frontenac Broadcasting Co., Toronto.
Beaudry Ltd., Montreal (suspenders), 7 *sp*, thru James Fisher Co., Montreal.

WORL, Boston

M. J. Breitenbach Co., New York (Pepto Mangan), 12 *sa* weekly, thru Morse International, N. Y.

NOW THEY LOOK LIKE THIS

See page 26

PICTURED ON PAGE 26 in the same (l to r) order are FCC Commissioner T. A. M. Craven, 1913 graduate of Annapolis, who was fleet radio officer with the U. S. Asiatic Fleet, 1915-17, and in charge of coastal and transoceanic radio operations, 1917-20, retiring as a commander in 1930; Leo J. Fitzpatrick, executive vice-president of WJR, Detroit, and WGAR, Cleveland, who served 21 months in the Navy, first as press agent for Sousa's Band, then after training at Great Lakes and at the New London Submarine School, as a sub spotter; A. W. (Sen) Kaney, NBC Chicago manager of continuity acceptance, who was an ensign in the Navy.

Educational Drive Is Begun by AFA

Local Advertising Clubs Will Cooperate in Campaign

A UNIFIED national campaign with a common objective and common theme—the rebuilding of public faith in business and advertising—has been undertaken by the Advertising Federation of America, which describes its effort as one designed to "remove from the public mind doubts and questions raised through the activities of those who are working steadily to undermine our American way of living."

Local advertising clubs have been asked to cooperate in a nationwide campaign to demonstrate the educational and social values of advertising, and as an added inducement the AFA is offering an award for the most constructive work done by any affiliated advertising club with due consideration for its size and the size of community in which it is located. The award, reports for which are to be submitted not later than next May 10, will be a feature of the AFA annual convention in Boston, May 25-29.

Purpose of Drive

The aims and methods of the campaign are outlined as follows in an AFA bulletin just issued:

I. A constructive educational program directed: (1) to the public at large through the use of radio, newspapers, business papers, outdoor and direct mail, and through news stories in newspapers, business papers, general magazines and educational publications; (2) to individuals and special groups through speakers' committees to supply speakers and discussion leaders to civic and service clubs, schools, Parent-Teacher associations and women's clubs; and through the organization of forums, clinics, special consumer day programs, and other forms of direct contact.

II. An aggressive counter-offensive against the opponents of advertising through: (1) School surveys to expose subversive teachings and those textbooks which present an unfair and untrue picture of American methods of business, industry and advertising; (2) A study of proposed municipal, state and federal legislation affecting advertising; to encourage helpful measures and to correct or defeat harmful bills; (3) Cooperation with other civic groups to promote an understanding and through understanding, a greater belief in the American system.

III. And finally, a public relations program through which each club will demonstrate to its own community the importance of its business and industrial enterprises and encourage local business and industry to study and improve wherever necessary their public and employe relations.

KIRO's Quick Jump

FROM 250 watts several years ago to 50,000 watts on 710 kc., is the record of KIRO, Seattle. On Feb. 4 the FCC authorized the CBS outlet to increase its power from 10,000 to 50,000 watts, make changes in its directional antenna and install new equipment.

Radio Advertisers

BARKER Bros., Los Angeles (retail furniture and decorators), consistent users of Southern California radio, on Feb. 4 started sponsoring a new weekly quarter-hour woman's program, titled *Mary Counselor*, on KNX, Hollywood. Firm also sponsors the thrice weekly quarter-hour *Backgrounds for Living* on that station. Rod Mays is writer-announcer of both programs. Edgar Harrison Wileman, head of Barker Bros. home advisory bureau, is commentator on *Backgrounds for Living*. Supplementary spot announcements will continue to be used on Southern California stations for special sales. Marion Kyle Adv. Agency, Los Angeles, services the account.

OTTO ERLANGER BREWING Co., Philadelphia (beer), has scheduled the largest advertising appropriation in its history for this spring with media including radio as well as newspapers and outdoor. J. M. Korn, Philadelphia, handling the account, is working out the program currently.

YELLOW CAB Co. San Francisco (transportation) has purchased seven one-minute transcribed dramas weekly immediately following *Paul Sullivan Reviews the News* on KSFO and the *Richfield Reporter* on KPO, San Francisco. The time is 10:15 p.m. (PST) on each station. Agency is Rufus Rhoades & Co., San Francisco.

CANADIAN NATIONAL CARBON Co. Ltd., Toronto (Eveready Batteries) has started five times weekly quarter-hour *Eveready Time* on CFAC, Calgary; CJCA, Edmonton; CJOC, Lethbridge, Alta.; CFGP, Grande Prairie, Alta. Account was placed by Clark Locke Ltd. Toronto.

CARNATION Co., Toronto (Carnation milk) on Feb. 3 started transcribed quarter-hour musical programs thrice-weekly on CBR, Vancouver; CFJC, Kamloops, B. C.; CJAT, Trail, B. C.; CKOV Kelowna, B. C.; CKLN, Nelson, B. C. Account was placed by Baker Adv. Agency, Toronto.

CANADIAN CELLUCOTTON Co., Toronto (Kleenex) on Feb. 3 started fourteen weekly musical spot announcements as a test on CFRB, Toronto. Account was placed by Lord & Thomas of Canada, Toronto.

CHAPMAN ICE CREAM Co., Los Angeles (chain store), seasonal users of Southern California radio time, in a test campaign on Feb. 10 starts using 18 transcribed one-minute announcements weekly on KMPC, Beverly Hills, Cal., for 13 weeks. Ted Dahl Adv. Agency, Los Angeles, has the account.

A. E. PHILIPS, vice-president and general manager of Tea Garden Products Co., San Francisco, has been elected president of White Rock Mineral Springs Co., New York.

MAGAZINE REPEATING RAZOR Co., New York (Schick razors, blades), will sponsor *Duffy's Tavern* on CBS starting March 1, Saturdays, 8:30-8:55 p.m., and not Schick Dry Shaver Inc., as incorrectly stated in BROADCASTING, Feb. 3. Agency for Magazine Repeating Razor Co. is J. M. Mathes Inc., New York.

MURPHY PRODUCTS Co., Burlington, Wis. (stock food concentrates), on March 1 renews for 52 weeks its weekly half-hour *Barn Yard Frolics* on WHO, Des Moines. Agency is Critchfield & Co., Chicago.

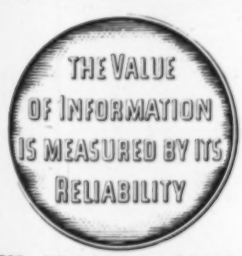
NIAA Picks Toronto

TORONTO will be the scene of the National Industrial Advertisers Association's 19th annual conference in September, according to Richard P. Dodds, president of the Assn. and advertising manager of Truscon Steel Co., Youngstown.

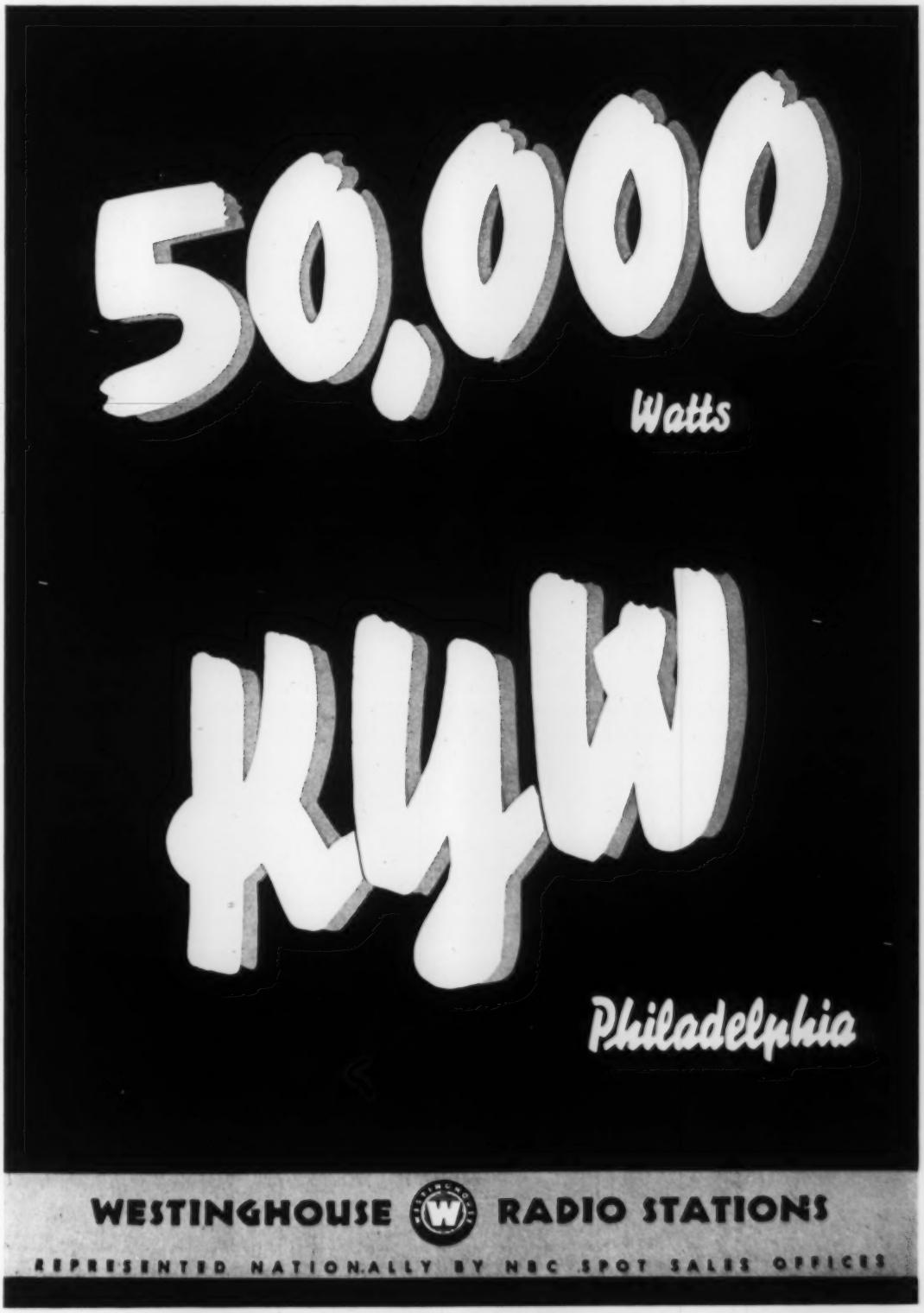
SEASONETTES DISTRIBUTING Co., Los Angeles (food seasoning), out of radio for the past year, on Jan. 29, started participation twice weekly in Chef Milani's program on KMPC, Beverly Hills, Cal. Agency is Eugene F. Rouse & Co., Los Angeles.

LAURA SECORD CANDY SHOPS Ltd., Toronto, national chain of stores, on Feb. 4 started twice weekly quarter-hour musical programs on CFRB, Toronto; CBM and CBF, Montreal. The campaign will be extended to other stations early in March. Account placed by Cockfield Brown & Co. Ltd., Toronto.

SYMINGTON'S Ltd., London, England (gravy concentrates) has added three stations to the participating programs campaign which has been in operation for some months. Account was placed by James Fisher Co. Ltd., Toronto.



JOHN BLAIR & COMPANY
National Representatives of Radio Stations



WBT
50,000 WATTS
CHARLOTTE
CBS
For 20 years smack in the middle of the rich Piedmont Plateau

PACIFIC STATES OIL Co., Los Angeles (Taco gasoline), on Feb. 10 starts a five-weekly quarter-hour transcribed juvenile serial *Black Flame of the Amazon*, on KFRC, San Francisco. Contract is for 20 weeks. A junior explorers' club is included in the merchandising plan. Continental Adv. Agency, Los Angeles, has the account. Will Grant is account executive.

SONTAG DRUG STORES, Los Angeles (chain), out of radio for some time, on Feb. 17 starts a twice-weekly quarter-hour commentary program titled *Sontag Presents Ted Cook*, on KFI, that city. Contract is for 26 weeks with program featuring Ted Cook, Hearst syndicated columnist. Firm on that date also starts a five-weekly quarter-hour newscast with Bill Stulla, commentator on KECA, and a similar broadcast five times a week, with Van Des Autels, as newscaster, on KFAC. Robert Smith Adv. Agency, Los Angeles, has the account.

NATURAL RESOURCES Co., San Francisco, using radio for the first time, recently started a 13-week test campaign on KROW, Oakland, Cal., to promote a real estate development east of Sacramento, Cal., using three weekly quarter-hour programs, music and talk. Agency is Rufus Rhoades & Co., San Francisco.

ILLINOIS LIGHT Co., Springfield, has renewed for 13 weeks its weekly half-hour *Homemakers Institute* program conducted by Mary Dilly on WCBS, that city.

SEVEN-UP BOTTLING Co. of San Francisco (soft drinks), recently started a radio campaign, using a daily spot announcement on KDON, Monterey, Cal. and a daily one-minute transcription on KSRO, Santa Rosa, Cal. Agency is Rufus Rhoades & Co., San Francisco.

MARVELOUS MARIN Inc., San Rafael, Cal. (county-wide Chamber of Commerce) through its agency, Theodore H. Segall Adv. Agency, San Francisco, currently is planning a 52-week radio campaign, using one-minute dramatized transcriptions over stations in the San Francisco Bay area. The station list is not completed and will not be announced until mid-February, the agency stated.

DALGISH (Ontario) Ltd., Toronto (household cleansers) on March 3 starts a test morning *Household Hints* program thrice weekly on CFRB, Toronto. Account placed by MacLaren Adv. Co., Ltd., Toronto.

DR. CAMPBELL, Los Angeles chain dentist, consistent user of California radio time, is currently sponsoring 21 transcribed one-minute announcements per week on KHJ, that city, with 18 weekly on KERN and KPMC, Bakersfield, respectively. Ted Dahl Adv. Agency, Los Angeles, has the account.

Benedict Joins F & P

EDWARD H. BENEDICT, for the last two years manager of the media department of McCann-Erickson Inc., Chicago, on Feb. 15 joins the Chicago office of Free & Peters Inc., station representative firm, according to an announcement by James L. Free, president. While at McCann-Erickson Inc., Mr. Benedict was responsible for the buying of space and radio time on all accounts. His previous advertising connections included service in the media departments of Erwin, Wasey & Co., New York, Benton & Bowles, New York, and five years with the New York sales staff of the *St. Louis Globe Democrat*.

Mr. Benedict

STRAUSS & SCHRAM, Chicago, chain furniture store on Jan. 20 started for 52 weeks five-weekly quarter-hour participation programs in *Off the Record* on WIND, Gary, Ind. Agency is Milton Mendelsohn Co., Chicago. Axton-Fisher Tobacco Co., Louisville (Spud Imperial cigarettes), on Jan. 27 started a 13-week schedule of six-weekly half-hour participation programs in *Sports Edition* on WIND. Agency is Weiss & Geller Inc., Chicago.

STORZ BREWING Co., Omaha, Neb., is currently running a spot announcement campaign on a number of stations in its territory. Agency is Buchanan-Thomas Adv. Co., Omaha.

GALLO WINE Co., Modesto, Cal. (wines), is currently sponsoring daily participation in Spanish-speaking programs on three Los Angeles area stations — KGFJ, KGER, KMTR — as well as in Ann Gibson's home economics broadcasts on KFSD, San Diego. In addition, 21 transcribed announcements are used each week on the latter station and KHJ, Los Angeles, respectively, with 28 live spots weekly on XECA, Tia Juana, Mexico. Ted Dahl Adv. Agency, Los Angeles, has the account.

FRANK SNEDAKER Co., Philadelphia (kitchen cabinets), is using radio for the first time on WIBG, Glenside, Pa., a weekly quarter-hour news roundup for 13 weeks, placed through Cahall Agency, Philadelphia.

EVANS FUR Co., Chicago, on Feb. 2 replaced its weekly half-hour *Pan American Rhythm* program with two quarter-hour musical programs each Sunday on WGN, Chicago. Programs are *Songs & Fashions*, featuring recorded music with comments by Norman Ross, and *Don Pedro and his orchestra*. Contract is for 22 weeks. Agency is Critchfield & Co., Chicago. Citrus Concentrate Inc., of Florida, on Feb. 3 started 12-weekly station break announcements on WGN. Agency is Newby, Peron & Fliteraft, Chicago.

POLLACK & NEELSON, Chicago (manufacturer Windsor men's clothes) on Feb. 3 started a 52-week schedule of six-weekly quarter-hour participation programs in *Night Watch* on WIND, Gary, Ind. Firm is currently sponsoring a weekly quarter-hour recorded program on WAAF, Chicago. Agency is Morris & Davidson, Chicago.

REID, MURDOCK and Co., Chicago (Monarch Foods), on Feb. 2 renewed for 52 weeks its schedule of 38 weekly spot announcements on WBBM, Chicago. Agency is Rogers & Smith, Chicago.

WFMJ
Youngstown's Favorite Station
A Hooper-Holmes survey shows that WFMJ has more listeners than any other station heard in the Youngstown district

MAKE RESERVATIONS NOW!
Within a short time—Radio Station CKLW will have an important announcement concerning an even broader coverage of the big DETROIT AREA! Advertisers will get *greater coverage*, a *bigger buy* than ever, *AT NO INCREASE IN RATES!*
IN THE DETROIT AREA-IT'S
CKLW
5,000 Watts Day and Night
CLEAR CHANNEL
Joseph Hershey McGillvra—Representative
MUTUAL BROADCASTING SYSTEM

CATELLI FOOD PRODUCTS, Toronto (macaroni), has started a test children's quiz show on CKOC, Hamilton, Ont. The show may be expanded to other Canadian cities. Account is placed by E. W. Reynolds & Co., Toronto.

QUAKER OATS Co., Peterborough, Ont., on Jan. 29, started on CHRC, Quebec, a dramatic French language half-hour show, produced weekly for the same sponsor on CKAC, Montreal, and recorded there for use on CHRC. Account was placed by Lord & Thomas, of Canada, Toronto.

JOHN MORRELL & Co., Ottumwa, Ia. (E-Z Cut Hams), on Feb. 10 starts a 26-week schedule of six-weekly quarter-hour news period on KSD, St. Louis. Agency is Henri, Hurst & McDonald, Chicago.

Johns to New York

J. F. JOHNS, for two years in the Chicago office of Howard Wilson Co., national representative firm, and for five years before that identified with Chicago radio, on Feb. 15 will assume managership of the company's New York office. John Chase Whitley, for 7½ years a member of the statistical, advertising and market analysis departments of General Mills, Minneapolis, and since April 1, 1940, consultant on broadcasting to A. C. Nielsen Co., Chicago research firm, replaces Mr. Johns in the Chicago office. Mr. Whitley is a 1927 graduate of Grinnell College, Grinnell, Ia., and a 1931 graduate of the Harvard U Business School.

WLW's Druggists

FIVE STATE pharmaceutical organizations have combined to promote the merchandising activities of WLW, Cincinnati. They are the Ohio State Pharmaceutical Assn., the Indiana Pharmaceutical Assn., the West Virginia State Pharmaceutical Assn., Michigan State Pharmaceutical Assn, and the Kentucky Pharmaceutical Assn. Each organization, along with the Detroit Retail Druggists' Assn. and the Detroit Wholesale Druggists' Assn., is mailing pamphlets at its own expense to all retail druggists in its territory urging them to cooperate in pushing the sale of WLW-advertised products.

MRS. DOESN'T MISS
Mr. Unable to Get Mrs. FDR —But Mrs. Succeeds—

WHEN J. P. (Skinny) SKINNELL, production and special events manager of WMBG, Richmond, Va., fumbled the ball trying to arrange an exclusive interview with Mrs. Eleanor Roosevelt during a recent visit in Richmond, it was his better half who upheld the family honor.

After waiting all day at a local hotel, trying to arrange the broadcast on WMBG, he learned on Mrs. Roosevelt's arrival that she would be busy that evening speaking to the Southern Electoral Reform League. Resigned to failure, he went home. Mrs. Skinnell thereupon commanded the "boss of the family" to drive her to the hotel. Then she ordered him to arrange a police escort to the studio for Mrs. Roosevelt. A few minutes later Mrs. Skinnell reappeared with Mrs. FDR and they drove to the studio for an exclusive WMBG program.

More for Axton-Fisher

AXTON-FISHER TOBACCO Co., Louisville (Twenty Grand cigarettes) program, *Your Happy Birthday*, indicated an up-grade in its fourth week when eight NBC-Blue stations and one NBC-Red station were added on Jan. 31, making a total of 81 Blue and 1 Red station carrying the program Fridays 9:35-10 p.m. Stations added were WTAR, Norfolk, Va.; WGAC, Augusta, Ga.; WCOS, Columbia, S. C.; WMFR, High Point; WMFD, Wilmington; WEED, Rocky Mt.; WGNC, Gastonia; WCBT, Roanoke Rapids; WHKY, Hickory, all located in North Carolina. According to Weiss & Geller, Chicago agency handling the account, more stations will be added in the near future.

KWWJ Jump Authorized

KWWJ, Portland, Ore., on Feb. 4 was authorized by the FCC to shift frequency from 1060 to 1040 kc. and increase its power from 500 watts. limited time, to 1,000 watts fulltime. A directional antenna will be used day and night.

Socony, General Mills Sponsor Detroit Games

FOR THE third consecutive year Socony Vacuum Oil Co. and General Mills will alternate sponsorship of home and away baseball games of the Detroit Tigers on WXYZ and the Michigan Radio Network. Socony has sponsored games since 1935 over the network. Harry Heilmann, former Tiger player and WXYZ-MRN baseball commentator, will announce, a custom started in 1935.

Besides the play-by-play, Altes Brewing Co., Detroit, will sponsor Heilmann in training camp discs thrice weekly March 3 to April 14 and during the season will resume *Fan on the Street* with Heilmann as interviewer. The last-named will be heard on WXYZ and MRN Tuesday, Thursday and Saturday, and on the network only Monday, Wednesday and Friday. It will mark the fourth year for these two series.

FM
with Simplified CIRCUIT DESIGN
GENERAL ELECTRIC

Charlotte has The Right Angle on The "Woman's Corner"

It takes a Rochester woman to talk convincingly to Rochester women about their own interests . . . and that's exactly what our Charlotte Edwards has been doing for almost 3 years on her "Woman's Corner" program. 9:30 a.m. Mon. thru Fri.

Though Charlotte talks mainly to housewives, there must be, at times, quite a few ad-men in the house, for Lord & Thomas, J. M. Mathes, William Esty, and other top-flight agencies are consistent buyers of participating time on this intimate show.

They know Charlotte boosts sales. They know the newspaper publicity Charlotte commands. Their clients like Charlotte, too. You ought to know Charlotte like they know Charlotte!

For complete information and present available participating time, wire collect Paul H. Raymer Co. or WHEC.

BASIC CBS
WHEC ROCHESTER NEW YORK

Congress Ignores Radio Legislation

House Inquiry Into Copyright Negotiations Is Proposed

WITH defense measures, principally the lend-lease bill, getting all the emphasis and appearing certain to get full attention for some time to come, there has been little radio activity in Congress.

Apart from introduction of a resolution in the House (HRes-79) by Rep. Myers (D-Pa.) calling for creation of a special five-man House committee to conduct a fact-finding investigation of the "serious disagreement between the NAB and ASCAP", and House action approving a $4,259,729 appropriation for the FCC for fiscal year 1942, radio matters have lain dormant.

Others Dormant

Although the appropriation bill has been sent to the Senate Appropriations Committee, the committee had not held its hearings as BROADCASTING went to press, and it appeared the upper house would not consider the bill until next week. It was considered likely the Senate would attempt to dispose of the measure before debating the lend-lease bill.

Various investigating proposals still hang fire. No early action is indicated on the investigation resolutions introduced by Senator Tobey (R-N.H.) and Rep. Wigglesworth (R-Mass.), and Senator White (R-Me.) is still occupied with other matters which preclude immediate attention toward reviving his fact-finding study proposed last session.

Rep. Connery (D-Mass.) also indicated Jan. 30 that he felt after emergency legislation was out of the way, "the House will find itself justified in creating a committee to make a thorough investigation of the radio monopoly and other activities of radio broadcasting."

Likewise Rep. Voorhis (D-Cal.) has not decided whether he will reintroduce his advertising-tax proposal. It is understood he has been revising the measure introduced at the last session.

The Myers resolution provides for appointment of a five-man House committee to look into the BMI-ASCAP situation "with a view to assuring proper protection for the public in the alleged disagreement". The proposed investigation would cover activities of NAB and ASCAP, a report on the adequacy of existing legislation, inquiry into causes of disagreement and recommendations based on the findings. Expenses of the investigating unit would be limited to $5,000. The proposal has been referred to the House Rules Committee.

Following a resolution introduced late in January by Rep. Geyer (D-Cal.), it was understood Attorney General Robert H. Jackson has been asked to start an immediate inquiry into the circumstances under which W. C. Cameron, commentator on the *Ford Sunday Evening Hour*, obtained his American citizenship (BROADCASTING, Jan. 27).

Charging that Mr. Cameron was "an undesirable alien", President R. J. Thomas, of the CIO Automobile Workers Union asked immediate action on the Geyer resolution, which called for an investigation along this line.

OFFICE-WARMING and a birthday party produced these party groups at WGAR, Cleveland, and WJSV, Washington. When workmen recently finished work on the adjacent offices of Walberg Brown, WGAR music director, and Maurice Condon, publicity director, the zanies purchased Coca-Cola, carnival hats and noise-makers and entertained office gals at a dedication party. Seated at phone (upper photo) is Brown, flanked by Condon, who holds a vegetable bouquet from the girls. The lovelies are (l to r) Margie Owens, Gertrude Hunkin, Jeanne Waddell, Peggy Lyndall, Marie Likly. And at WJSV, when pretty Lois Dasher had a birthday Jan. 15, the girls of the staff wined and dined her at a nearby restaurant, then presented her with a minuscule cake—a doughnut decorated with one candle. Miss Dasher (center) holds the confection, while Anna Hoffman (right) and Miriam Fries look on.

FTC Orders

STIPULATIONS have been received from Courtland D. Ferguson Inc., Washington agency, and D. B. Smith & Co., Utica, N. Y., agreeing to cease certain advertising claims for Kohler Antidote, product of Kohler Mfg. Co., Baltimore, and Jim Dandy Rat and Mouse Killer, respectively, according to a Feb. 3 announcement by the Federal Trade Commission. Beeman's Laboratory Inc., Atlanta, also was charged with misleading representations in advertising for BQR Remedy in an FTC complaint announced Feb. 1. Answers to previous FTC complaints have been received from Hy-Phen Corp., Matoaka, W. Va., charged with misrepresentation in radio and other advertising for Hy-Phen, proprietary; The Thomas Management Corp., Chicago, charged with misleading advertising for The Thomas hair and scalp treatment. Hearings are to be held later.

NOTICE was filed Jan. 30 in New York Federal Court by Columbia Recording Corp. and Columbia Phonograph Co. for examination of nine RCA officials Feb. 10 in connection with RCA's suit against CBC charging unfair competition through the use of a "red label" on records allegedly similar to RCA's.

AFRA, WXYZ Contract; St. Louis, Dallas Talks

CONTRACT between American Federation of Radio Artists and WXYZ, Detroit, has been renewed for two years, from Feb. 1, 1941, to Jan. 31, 1943, according to Mrs. Emily Holt, executive secretary of AFRA, who spent Feb. 4-5 in Detroit to conclude negotiations with the station management. New contract has "a few improvements", she said, adding that negotiations with the station had been "brief, pleasant and satisfacory".

Negotiations n St. Louis for a contract with KWK and a renewal of the KSD contract are well along, she said, with the probability that these contracts will be signed within the next few days. She also reported that the AFRA local in Dallas has begun negotiations for a contract with KRLD.

Fly Talk is Aired

FCC Chairman James Lawrence Fly and Pearl Buck, authoress, will speak Feb. 12 over NBC-Blue and MBS from a luncheon of the American Civil Liberties Union. Following the luncheon, conference sessions will be held, one of which will be on censorship with Quincy Howe, author and newspaperman, presiding. Participating in the discussion, to be held at the Hotel Commodore, New York, will be Joseph Miller, NAB director of labor relations; Telford Taylor, FCC general counsel; Morris Ernst, New York attorney, and Matthew Gordon, CBS news editor.

CUBA has banned all radio programs in German, Chinese, Yiddish and Polish as a measure of combatting totalitarian propaganda. A German Transocean News broadcast carried on some stations was ordered off the air Jan. 31.

MONITORS DETECT TWO BOOTLEGGERS

CONTINUING activities against illegal broadcasting, FCC field monitors were instrumental in uncovering two more illicit radio operations early in February. Seizures included an unlicensed low-power transmitter operated by a 13-year-old boy in Rochester, Minn., and an intricate horserace information service operated out of Santa Anita racetrack in California.

The Rochester boy, using a remote control device for home receivers, picked up network programs from a local station on a receiving set and rebroadcast them on his bootleg transmitter, cutting out chain and commercial announcements and substituting his own, according to newspaper reports. The operation seriously interfered with reception in a six-block radius, it was stated. The boy was released in custody of his parents.

The California racetrack setup, according to press association reports, involved a miniature pocket transmitter at the track, whose signals were relayed by powerful mobile units in cruising automobiles to a high-power station located in a mansion at Sierra Madre, Cal. The big station broadcast race information, including last-minute mutuel odds, to bookmakers in Southern California and elsewhere in the country, it was stated, The station was raided several days before the announcement, it was said, and leaders of the bookmaking syndicate operating it are being sought for prosecution on charges of violating the Federal Communications Act. No official announcement was available from the FCC, although it is understood local officials made the actual seizure after FCC monitors had traced the broadcast signals.

Buys Theatre, Plans Station

GEORGE C. CLANTON, publisher of the *Rappahannock Times*, weekly newspaper at Tappahannock, Va., has purchased the Daw Theatre in Tappahannock, managed by Harry Moller, experienced radio executive. They are planning to build studios atop the theatre for a broadcasting station, and will file an application with the FCC.

Exclusive Affiliate in St. Louis
MUTUAL BROADCASTING SYSTEM

SHUBERT SOCIETY DRAWING UP RULES

PERFORMING RIGHTS Society of the Theatre on Feb. 6 held a meeting of a group of foreign composers who have individually applied for membership, to establish regulations for their status in the Society. Milton R. Weinberger of Klein & Weinberger, counsel for the society, in whose offices the meeting was held, explained that PRST is proceeding along the lines embodied in the BMI consent decree and that no writer who joins PRST will be hampered in disposing of any of his works elsewhere.

The Society, founded under the auspices of J. J. Shubert, theatrical producer [BROADCASTING, Jan. 27], "will not be dependent upon any one group of theatrical producers," Mr. Weinberger said, "but there will be a community of interest between the owners of grand rights and the writers who dispose of the small rights, in order to act together for marketing the use of the musical works over the air.

Among foreign composers attending the meeting were Eric Niborg, Martin Fryberg, Harry Hardin and Emir Mohammed Al Raschid, claimant to the thrown of the Ottoman empire as well as composer. Dr. Armand Eisler, expert on international law, and Louis Adler, attorney for Mr. Niborg and other foreign composers, also were present. A committee, comprising Mr. Weinberger, Dr. Eisler, Al Raschid and Mr. Niborg, was formed to prepare rules for the permanent writers' organization. Committee will also study the position of refugee writers now in this country who are receiving no income from the foreign societies to which they belonged.

Clear Channel Group

(*Cont. from page 16*)

ent post as administrative assistant in the Department.

Following a ten-day vacation, Mr. Scholis plans to make a swing around the country, visiting clear-channel stations. Emphasis will be placed upon rural coverage. It is expected Mr. Scholis later will call a meeting of farm directors of the stations to develop an educational campaign.

The whole plan was discussed by Messrs. Craig, Ethridge and Hough with FCC Chairman James Lawrence Fly last month, preparatory to retention of Mr. Scholis. It is expected Mr. Scholis will retain an assistant and a small staff in Washington.

It is understood that virtually all of the Class I-A independently-owned stations are associated in the new service operation. It has no direct association with the so-called Clear Channel Group, set up several years ago to prevent further encroachments upon clear channels. Under the 1928 allocation, a total of 40 channels were set aside for exclusive high-power operation of single stations at night. This number gradually has been whittled down to the 26 provided under the Havana Treaty allocations which become effective next March. FCC Commissioners Walker, Thompson and Payne are advocates of a breakdown of all clear channels.

ARMY RADIO TESTS
Facsimile and Television to Be Put in Service

THE ARMY is now experimenting with both facsimile and television, and when perfected they will be adapted for Army use, according to Major Gen. Joseph O. Mauborgne, Chief Army Signal Officer.

In an interview Feb. 3 over the NBC-Blue network, Gen. Mauborgne again sought to allay fears that the Government, in time of national emergency, might take over radio for communications operations. Interviewed in the new NBC series conducted by the American Institute of Electrical Engineers, Gen. Mauborgne described the role of broadcasting in the event of air raids. He said:

"A civilian observer corps will be set up and enormous nets of commercial wires will be employed to carry the reports of the progress of hostile planes. Warnings to the civilian populace of approaching enemy air raids will be given over carefully planned hookups of radio broadcast stations in the threatened area. In the immediate rear of the Armies, the Signal Corps will build and operate long, semi-permanent wire telephone and telegraph lines to the fighting area. Of course, alternative radio circuits will be provided. Radio is always provided as a substitute for wire, but it is an invariable rule that radio will not be used where wire communications will serve."

Effect of Radio Serials On Home Is Criticized

OBJECTING to "blood-and-thunder" radio serials as 'tearing down home life" were 68% of the women answering a recent public opinion poll conducted by the Women's Institute of Audience Reaction, under the direction of Agnes Mengel Grew. The Institute, a paid service for manufacturers making women's products as well as one for advertising agencies, radio stations and motion picture companies, was unable to give out a full report on the poll, but Mrs. Grew said that 31½% of the women voted they liked serials, as opposed to 68% disliking them.

Another question in the poll, taken among 5000 "plain-folk" women who are housewives and represent the buying public, was an opinion on dramatizations of motion pictures on radio programs, wth 71.4% voting in favor of such programs and 28.6% opposed.

Boake for Piel's

PIEL BROTHERS, Brooklyn (Piel's Beer) is completing arrangements for the sponsorship of Boake Carter on MBS in a quarter-hour commentary series thrice weekly in the East. Negotiations are also under way for the sponsorship of the commentator in the Midwest by the National Refining Co., Cleveland, in the interest of White Rose gasoline and Enarco motor oil. Joint sponsorship is expected to start early in March, if desired network time can be cleared, according to Sherman K. Ellis, New York, agency handling both accounts.

WNEW DELIVERS!

It's today's hottest radio buy!

1. ONE-THIRD THE COST of any New York network station. 2. THE NATION'S BIGGEST MARKET. (The 50-mile metropolitan trading area.) **3.** TWICE THE AUDIENCE of any other New York independent station. (Hooper-Holmes and other impartial surveys.) **4.** RADIO'S OUTSTANDING PROGRAMS. ("Make Believe Ballroom" with Martin Block, "Milkman's Matinee" with Stan Shaw. And many others.) **5.** LOCAL ADVERTISERS *know* WNEW moves most goods—fastest. **6.** MORE COMMERCIAL TIME is bought on WNEW than on any other station in New York.

Nationally Represented by John Blair & Company

Agencies

STANLEY G. SWANBERG, vice president of Botsford-Constantine & Gardner, San Francisco, late in January attended the Canner's Convention in Chicago. While there he assisted Mortimer Fleishhacker Jr., and Herman Harris of Chemicals, Inc., in the development of national marketing plans for Vano, new household cleaner. Radio was used periodically on the West Coast to promote the product.

POLLYEA Advertising, headed by William Polje, formerly advertising director of the Terre Haute Brewing Co., has been formed with offices in Terre Haute. The new agency will handle such accounts as Hulman & Co., Clabber Girl Baking Powder and Terre Haute Brewing Co.

EDWARD W. PARO, formerly of KMOX, St. Louis, has joined Clifford E. Broeder Adv. Agency as account executive.

J. CLARK SAMUEL, formerly of the Armstrong Cork Co., has been appointed to the publicity department of Anderson, Davis & Platte, Inc., New York.

EDWARD H. WEISS, president of Weiss & Geller Inc., Chicago, is the father of a boy.

RICHARD HILL, for the last two years connected with the advertising department of Hart Schaffner & Marx, Chicago clothing manufacturer, has joined the copy staff of Young & Rubicam, Chicago.

IMOGENE POWELL, for the last 10 years a member of the press department of J. Walter Thompson Co., Chicago, on Jan. 15, was appointed director of the department.

BRENT GROVES, formerly of the advertising staff of Affiliated Products, Jersey City, has been named traffic manager of Maxon Inc., New York.

JOHN CRANDALL, formerly a time buyer of Benton & Bowles, New York, has joined the staff of Arthur Kudner, New York, in the same capacity.

A. W. LEWIN Co., Newark, has added the following personnel to the newly opened New York office: Leslie Kay, art director; Martin Rudich, production manager; Miss S. B. Mandell, account executive; and Henry H. Dyrsen, Jr., account executive—all formerly with the Acorn Agency, New York.

HENRY HAYWARD, radio producer of Fuller & Smith & Ross, New York, has been named radio director of the agency.

SHERMAN K. ELLIS & Co., Toronto, will cease to take on new business in Canada as of March 1, for the duration of the war. The business of the Toronto office will be taken over by Canadian Adv. Agency, with R. W. Ashcroft, Toronto manager of Sherman K. Ellis, in charge. Mr. Ashcroft is the pioneer network broadcaster of the Dominion, having operated a commercial network more than a decade ago.

RUSSELL McCORMICK has left the investment field to enter the advertising business as account executive for the Cahall Advertising Agency, Philadelphia. He was formerly instructor of advertising and merchandising at the Wharton School of the U of Pennsylvania.

CHARLES J. BORRELLI, head of Borrelli Co., Philadelphia radio advertising agency, and Kitty Collins, of the WPEN, Philadelphia, office staff, have announced their engagement. They are to be married in April.

CHARLES PERRINE, Hollywood manager of Ruthrauff & Ryan Inc., is the father of a 7½ pound girl, born Jan. 31.

HAROLD S. SCHWARTZ, who joined the Neal Advertising Agency, Chicago, on Nov. 1, as an account executive [BROADCASTING, Dec. 15], recently purchased an interest in that agency.

J. BAXTER GARDNER, for the last three years advertising manager of the Pepsodent Co., Chicago, on Feb. 3 joined Blackett-Sample-Hummert Inc., Chicago.

FRED L. EDWARDS, formerly commercial manager of KFJZ, Fort Worth, Tex., and before that for three years in the sales department of CBS, New York, has joined the Russel M. Seeds Co., Chicago, as time buyer.

MORTON KOSHLAND, account executive of Philip Klein agency, Philadelphia, is the father of a daughter born Feb. 1 at Women's Hospital.

C. E. HOOPER Inc., radio audience survey report service, having increased West Coast operations, has moved its Los Angeles offices to 1709 W. Eighth St. Ruth Arnold is Pacific Coast manager in charge.

BURTON G. FELDMAN & Associates, Chicago, have added Austin O'Malley, newspaperman, William Fitzgerald, former publicity director for the Chicago Century of Progress, and James J. Harshe, from the *Chicago Times*, to handle the newly formed publicity bureau of the agency.

Pacific Unit Organized By Continental Agencies

W. A. BREWER, head of the Brewer-Weeks Adv. Agency, San Francisco, has just announced completion of the Pacific Coast unit of the Continental Adv. Agency Network, by election of Pacific National Adv. Agency of Seattle, and Portland, Ore. Brewer is regional vice-president of the group.

The Continental network is represented in 15 principal cities, being a cooperative organization of indvidually owned agencies. Each operates as a regional office for whichever of the others may furnish assignments for local assistance.

Other Pacific Coast agencies members of the group are Dan B. Miner Co., Los Angeles, and Brewer-Weeks Co.

OUR TARGET: The world's largest market.
OUR WEAPON: 5000 WATTS day and night with Directional Antennae.
OUR AMMUNITION: Your product programmed with intimate appeal to New York's Melting Pot millions.
OUR AIM: To insure results.
WBNX NEW YORK : 5000 WATTS

SEVEN IN TOLEDO SHIFT TO KASTOR

SEVEN members of the staff of the U. S. Adv. Co., Toledo, including the three top executives of that organization, on Feb. 8 joined H. W. Kastor & Sons' Chicago office. This move marked the widest expansion in the 46-year history of the Kastor agency. The new personnel will work solely on business already in the house and aid in fulfilling the needs of the agency's rapidly growing volume.

Those involved in the switch to Chicago are Harold Merillat, president; John Toigo, executive vice-president; George Piper, vice-president in charge of marketing and media; T. O. Gibbs, account executive; Arthur Gerkin and Ralph Salor, research and media; Hazel Kelly, research.

H. W. Kastor & Sons recently opened new executive offices on another floor of the London Guarantee Bldg., 360 N. Michigan Ave., in addition to the entire 12th floor which the agency occupies. In addition, Weston Hill, formerly of Ruthrauff & Ryan and Blackett-Sample-Hummert, New York, the week of Feb. 3 joined the Kastor organization.

Thompson Shift

JOHN CHRIST, Hollywood producer of J. Walter Thompson Co., on the weekly NBC serial, *One Man's Family*, sponsored by Standard Brands Inc., has been transferred to the agency's New York production staff. Bob Brewster, producer of the NBC *Kraft Music Hall*, sponsored by Kraft Cheese Co., has taken over production of *One Man's Family*, as an added duty. Christ has been with J. Walter Thompson Co. for the past ten years, and also served as the agency's Hollywood office manager.

Runyon Joins Bates

JOHN W. RUNYON, former West Coast radio director of Lord & Thomas, and more recently of Buchanan & Co., Hollywood, has joined Ted Bates Inc., New York, as radio director effective Feb. 17, it was announced by Theodore L. Bates, president of the agency. Before joining Buchanan & Co. in August, 1939, Mr. Runyon had been with Lord & Thomas for almost fourteen years, starting as a space buyer after his graduation from the U of California in 1926.

James Donan

JAMES DONAN, advertising and sales promotion manager of the Standard Oil Co. of New Jersey, sponsor of the *Esso Reporter* broadcasts on 30 stations, died Feb. 3 following a heart attack in his New York office, at the age of 44. Joining Standard Oil in 1920 as an editorial assistant, Mr. Donan was appointed advertising manager of the company in 1929, as well as its affiliates, Standard Oil Companies of Pennsylvania and Louisiana, and Colonial Beacon Oil Co., taking over promotion in 1935. He is survived by his wife and three sons.

STAFF members of Pedlar & Ryan, New York, through voluntary contribution, have given an ambulance, with maintenance for one year, to the British-American Ambulance Corps. The agency has announced an excess of $102 in the fund which it will gladly donate to any agency wishing to raise money for a second ambulance.

Bomber Target

THE BOYS who work at the KQW transmitter house, near Alviso, Cal., are thinking about taking out "bomber" insurance. The KQW property practically adjoins Moffet Field, Army aviation quarters, and according to the radio engineers, the bomber pilots apparently play games all around the KQW transmitter house, even simulating dive-bombing on the little building, which stands out over a wide expanse of territory like a sore thumb.

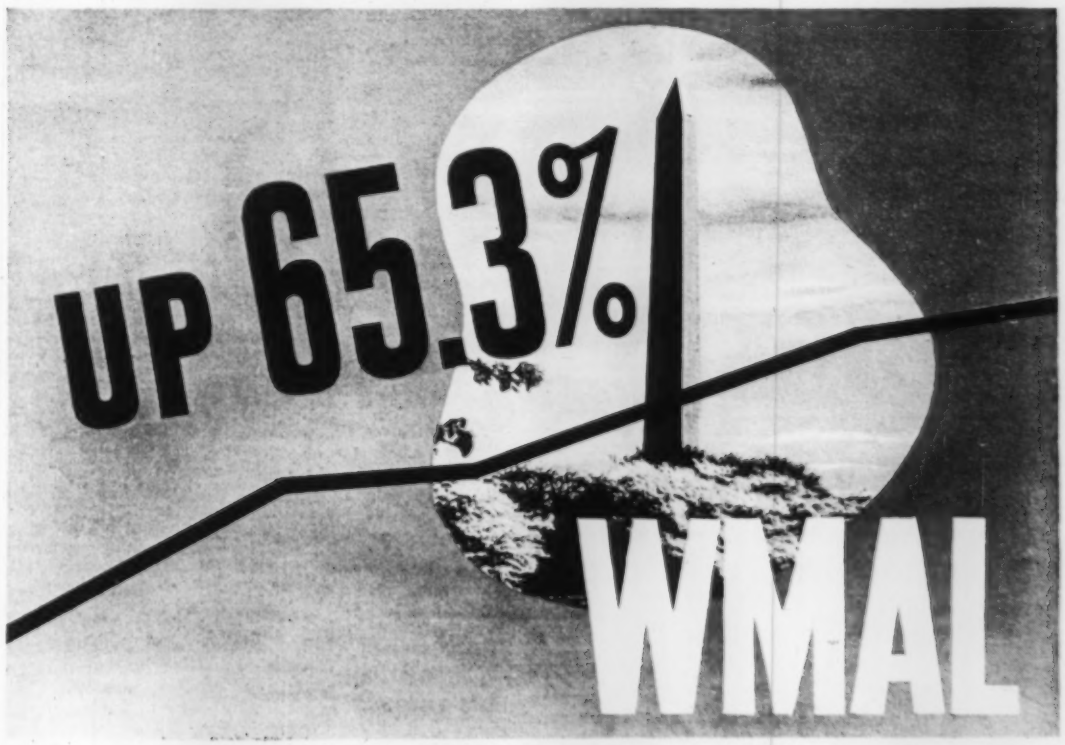
Winter Sale for Apples

THE NEW YORK & New England Apple Institute, as promotion for its "Apples for Winter Health" sale is using spot announcements daily on a group of New York and New England stations, in cooperation with chain and independent groceries in those sections. Account is handled direct.

KMMJ to Be Acquired By Stauffer Newspapers

THE GRAND ISLAND (Neb.) *Independent*, one of the group of newspapers owned by Oscar Stauffer, will acquire KMMJ, Grand Island, if the FCC approves an application to be filed shortly. The proposed sellers are Don Searle, manager of KOIL, Omaha, and KFAB-KFOR, Lincoln, who owns 40% of the station; Herbert Hollister, president of KANS, Wichita, 20%; Harry Searle Jr., 20%; Helen Searle Blanchard, 20%. Purchase price is understood to be around $80,000.

KMMJ in September, 1938, was moved from Clay Center, Neb., to Grand Island, and has been supervised by Searle and Hollister, who also are co-owners of KANS. It operates with 1,000 watts daytime on 740 kc. The Stauffer Newspapers include the *Shawnee* (Okla.) *News* and *Star*, which owns KGFF, Shawnee.



The Nation's Capital—a market of 1,000,000 people, has twice the per capita income of any other U. S. City. That means actually the equivalent of a 2,000,000 people market elsewhere. . . . No wonder WMAL's 1940 business streaked upward 65.3%: advertisers had that "market plus" figured out for themselves and bought WMAL for a low cost, high return way to sell their goods. In 1941 WMAL is better than ever. Check it now for your product.

5000 WATTS DAY & NIGHT

WMAL WASHINGTON

NBC Blue Network — Programmed by NBC

REPRESENTED NATIONALLY BY NBC SPOT SALES OFFICES

WSOY

DECATUR ILLINOIS

SEARS AND AYER, Rep.

For a large chunk of ILLINOIS

Center of America's new big money crop—Soy Beans—which brings $32,000,000 annually. All crops total over $200,000,000. Try WSOY.

250 WATTS · 1310 · FULL TIME

Network Accounts

All time EST unless otherwise indicated.

New Business

ARMOUR & Co., Chicago (Treet), on Feb. 24 starts *Treat Time* on 48 CBS stations, Mon., Wed., Fri., 11-11:15 a.m. (CST). Agency: Lord & Thomas, Chicago.

NATIONAL LEAD Co., San Francisco (Dutch Boy paints), on Feb. 13 resumes *Answer Auction* on 8 Pacific Coast CBS station, Thurs., 9:30-10 p.m. (PST). Agency: Erwin, Wasey & Co., San Francisco.

AMERICAN CHICLE Co., Long Island City, N. Y. (Beeman's chewing gum), on Feb. 10 starts for 13 weeks *Drama Behind the News*, with Franklin Bingham, narrator, on 12 NBC-Pacific Blue stations, Mon., Tues., Fri., 5:30-5:45 p.m. (PST). Agency: Badger & Browning & Hersey, N. Y.

HEBREW EVANGELIZATION Society, Los Angeles (religious), on Jan. 18 started for 52 weeks religious talks by Dr. A. U. Michelson on 6 Pacific Coast Don Lee stations (KHJ, KFRC, KOL, KTKC, KMO, KALE), Sat., 2:30-3 p.m. (PST). Agency: Tom Westwood Adv., Los Angeles.

PAYROLE GUARANTEE Assn., Los Angeles (political), on Feb. 16 starts for 52 weeks political talks on 16 California Don Lee stations, Sun., 4:45-5 p.m. (PST). Agency: Cinema Adv., Hollywood.

AMERICAN CHICLE Co., Long Island City (Beeman's Pepsin gum), on Feb. 17 starts Ben Grauer's *Drama Behind the News* on 69 NBC-Blue stations, Mon., Wed., Fri., 5:30-5:45 p.m. Agency: Badger & Browning & Hersey, N. Y.

IT'S WBIG!
The MAGIC CIRCLE
More people make more products, earn more wages, and get more for their crops in WBIG's Magic Circle of fifty miles, than any other like area in the southeast.
Columbia Broadcasting System affiliate.
EDNEY RIDGE DIRECTOR
WBIG
GREENSBORO, N.C.
GEO. P. HOLLINGBERY CO., NAT. REP

WIP to MBS Fulltime

WIP, Philadelphia, on March 1 will become Mutual Network's first fulltime affiliate in that city, according to Fred Weber, general manager of MBS, and Benedict Gimbel Jr., general manager of WIP. Also on that date WFIL, Philadelphia, will discontinue broadcasting Mutual programs, except for existing commercial contracts.

Lever Plans Net Series

LEVER BROS. Co., Cambridge, is making arrangements for a half-hour program to be heard on CBS Friday evenings for Lifebouy soap. Format of the program, slated to start the first part of April, has not been decided. William Esty & Co., New York, is agency.

MARS Inc., Chicago (Forever Your's, candy bar), on March 2 starts *What's Your Idea* on 28 NBC-Red network stations, Sun. 5:30-6 p.m. (CST). Agency: Grant Adv. Chicago.

ALEX SMITH & SONS Carpet Co., Yonkers, N. Y., on Feb. 10 starts *New England Home* on 6 CBS stations, Mon., Wed., Fri., 3:30-3:45 p.m. Agency: Davis & Platte, N. Y.

SWIFT & Co., Chicago (smoked meat), on Feb. 8 started *Breakfast Club* on 63 NBC-Blue network stations, Thurs., Fri., Sat., 9:30-9:45 a.m. Agency: J. Walter Thompson Co., Chicago.

Renewal Accounts

PHILIP MORRIS & Co., New York (cigarettes), on Feb. 14 renews for 52 weeks *Johnny Presents* and adds 12 CBS stations, making a total of 90 CBS stations, Fri., 9-9:30 p.m. Agency: Blow Co., N. Y.

RALSTON-PURINA Co., St. Louis (Ralston Cereal), continues to April 25, *Tom Mix Straight Shooters* on 52 NBC-Blue stations, Mon. thru Fri., 4:45-5 p.m. and 5:45-6 p.m. (CST). Agency: Gardner Adv. Co., St. Louis.

Network Changes

AXTON-FISHER TOBACCO Co., Louisville (Twenty Grand Cigarettes), on Jan. 31 added 8 NBC-Blue stations and 1 NBC-Red station to *Your Happy Birthday* making a total of 81 NBC-Blue and 1 NBC-Red network stations, Fri., 9:35-10 p.m. (EST). Agency: Weiss & Geller, Chicago.

CUDAHY PACKING Co., Chicago (Old Dutch Cleanser), on March 24 shifts *Bachelor's Children* from 18 CBS stations to 35 NBC-Red stations, Mon. thru Fri., 9:15-9:30 a.m. (CST). Agency: Blackett-Sample-Hummert, Chicago.

EMERSON DRUG Co., Baltimore (Bromo Seltzer), on Feb. 18 shifts *Ben Bernie* on 74 NBC-Blue stations, Tues., 8-8:30 p.m. (EST), with West Coast repeat, 8:30-9 p.m. (PST), from Hollywood to New York. Agency: Ruthrauff & Ryan, N. Y.

LEWIS-HOWE Co., St. Louis (Tums), following personal appearances in Chicago and Youngstown, on Feb. 25 shifts *Treasure Chest* on 69 NBC-Red stations, Tues., 8:30-9 p.m. (EST), from Hollywood to New York. Agency: Stack-Goble Adv. Agency, Chicago.

LEWIS-HOWE Co., St. Louis (Tums), following personal appearances in Chicago and Youngstown on Feb. 27 shifts *Pot o' Gold* on 97 NBC-Blue stations, Thurs., 8-8:30 p.m. (EST), from Hollywood to New York. Agency: Stack-Goble Adv. Agency, Chicago.

THE WAYS of shortwaves intrigued Daniel Lyon (seated), visiting Chilean broadcaster and president of the Valparaiso stock exchange, as he visited NBC's International Division during a trip to this country. With him are (top, l to r), Addision Durland, chief of NBC Spanish section; Roberto Gatica, of the Portuguese section; Daniel Lyon, Jr. The elder Lyon is vice-president of Cooperativa Vitalicia, operating CB76 and CB78 at Valparaiso and Santiago.

Script and News Writers Dicker With NBC, CBS

CONTRACTS between the Radio Writers' Guild, NBC and CBS, covering script writers and news writers of the two networks, are being drafted by attorneys of the networks for signing probably within the next two weeks. Essential details are practically set, including Guild shop, minimum salaries and raises, an apprentice classification, and ownership of material written on the employe's own time. Still to be settled are such provisions as the ownership and disposal of subsidiary rights, and repeat broadcast rights.

Negotiations are still in progress on the contract between the Guild and the American Assn. of Advertising Agencies, with several meetings scheduled to come before all difficulties in reaching an agreement have been ironed out.

Omar Flour Discs

OMAR Inc., Omaha (Omar Wonder Flour), consistent user of national spot radio, on Feb. 16 starts a 13-week schedule of quarter-hour transcribed programs, *Musical Meditation*, to be heard Sundays. Larry Larson, organist, and Gene Baker, vocalist, will be featured in the series which will consist of hymns and religious philosophy. Stations selected are WIND WDZ WCBS WMBD WTAD WHBF WROK WISN WCLO WKBH WSAU WTAQ WHBL WHO WMT KGLO WOW KSOO KFAB WNAX KGIW KFXJ KLZ KGNF KVRS KDFN WJAG WGKY KMMJ KOBH KOB. Agency is Hays MacFarland & Co., Chicago.

WGAN Boosts Net Rate

WGAN, Portland, Me., CBS affiliate, recently granted an increase from 500 watts daytime to 5,000 watts day and night, on Feb. 15 will increase its network rate to $150 per evening hour. Present CBS advertisers are protected under the old rate of $125 per evening hour until Feb. 14, 1942.

Louis E. Tilden Named Midwest Representative For NBC's Latin Sales

THE RAPIDLY increasing interest of Midwestern business firms in Central and South American markets was reflected in the creation Jan. 31 of the post of Midwestern representative of the NBC International Division and the appointment of Louis E. Tilden, Chicago, to the position. The announcement was made by Lunsford P. Yandell, NBC executive manager of international broadcasting.

Mr. Tilden

Shortwave radio broadcasting from powerful North American stations to Latin American listeners has gained immensely in importance during the last three years, Mr. Yandell pointed out, not only to bring about closer cultural and political relations between the Americas, but as a means whereby North American manufacturers may advertise their products in Latin markets.

Such firms as R. J. Reynolds Tobacco Co., Texas Co., Adam Hat Stores, American Export Airlines, United Fruit Co., Astor Hotel, Standard Oil of New Jersey, RCA Mfg. Co. are already making use of NBC shortwave facilities in carrying their message to potential customers south of the Rio Grande. Since there are more firms in the Chicago region which export to Latin America than in any other section of the country, Mr. Yandell explained, it was decided to expand the NBC shortwave division at once by the appointment of a Middle Western representative.

Mr. Tilden, a native of Chicago and the son of the late Edward Tilden, president of Libby, McNeill & Libby, will make his headquarters at the NBC offices in the Merchandise Mart, Chicago. Since his graduation from Princeton U, he has been associated with Averill Tilden and Co., as secretary-treasurer, and Tilden Brothers and Grannis, as partner.

Burbach on Committee

APPOINTMENT of George M. Burbach, general manager of KSD, St. Louis, and business manager of the *St. Louis Post-Dispatch*, as general chairman of the publicity and public relations committee for the 1941 NAB convention in St. Louis, May 12-15, was announced Feb. 7 by John J. Gillin Jr., 10th district director, in a revision of committee appointments. Serving with Mr. Burbach will be John C. Roberts Jr., KXOK, St. Louis; H. Dean Fitzer, WDAF, Kansas City; Vernon H. (Bing) Smith, KOWH, Omaha; Luther Hill, KSO-KRNT, Des Moines. The committee will supervise the advance, as well as the convention publicity and arrange for attendance at the convention of prominent officials from the cities and states within the 10th district.

ASCH RECORDING STUDIOS, New York, has announced a new 13-episode transcribed series, *In the Beginning*, built around biblical tales written by Sholem Asch, well-known author.

Studio Notes

WRUL, Boston shortwave station, has started a weekly half-hour program *News from Home* for Canadian soldiers in Great Britain, the program being recorded in Canada by the Canadian Legion War Services and shipped to WRUL. The program consists of news gathered from all parts of the Dominion as well as messages from soldiers' families. The program is rebroadcast in England by the British Broadcasting Corp. This international program has been made available to the Canadian Legion because Canada's shortwave transmitter being built by the Canadian Broadcasting Corp. is not yet ready for operation and is not deemed powerful enough for the purpose.

WARM, Scranton, although only six months old, is feeding two programs regularly to MBS. The programs are *Prelude to Stardom*, a children's show directed by Joe O'Donnell, and Henry Bell's orchestra.

KFAR, Fairbanks, Alaska, facilitated selective service registration in Alaska Jan. 22 by special cooperation with the territorial registration boards. KFAR broadcast bulletins notifying citizens in isolated sections of the registration and gave information on the nearest registration centers. On the daily airline bulletins broadcast from KFAR, mining concerns in remote districts were informed that registrars would be flown to the district airports, thus enabling them to have employees at the field without loss of time or inconvenience.

WSYR, Syracuse, invites four experts on current events to a hotel each Saturday night at 8:30 p.m. for dinner. A hidden mike is cut into the dinner discussion for the half-hour *Dinner Table Debates*. Participators do not see a clock and do not know exactly when they are on the air, thus lending an air of informality.

KGEI, General Electric short wave station, San Francisco, recently inaugurated a weekly broadcast of latest fashion news from the style capitals of the world for release to Mexico, Central and South America. The program is presented by Elizabeth Arden, international beauty authority.

AS A GESTURE of good will toward the entire state, Earl Gammons, manager of WCCO, Minneapolis, invited 400 Minnesota mayors and their wives to the annual WCCO cocktail party held Feb. 7 at the Hotel Lowry during the St. Paul Winter Carnival.

A QUARTER-HOUR discussion of ways to make income tax filing easier is presented each Sunday on WGN, Chicago by Charles Melvoin, professor of auditing at De Paul College of Commerce, Chicago.

NINETEEN South and Central American republics will be represented on a new WBBM, Chicago, public service series entitled *Latin America Speaks* arranged by Robert Morard, assistant special events director. Interviews by Todd Hunter, WBBM newscaster, will center about the good neighbor policy. The series is scheduled for Thursdays, 10-10:15 p.m. (CST), Feb. 20-June 26, 1941.

TO ACQUAINT its large audience of foreign-born listeners with great American personalities, WBNX, New York, is filling the hourly station pauses with well known sayings of past presidents of the United States on the birthday of the man selected. Each birthday of a president also will be noted with a quarter-hour talk on his life by noted historians and government officials.

LEONARD E. NASMAN, sales manager of WFMJ, Youngstown, spent last week in New York completing arrangements with RCA and NBC for the television display to be shown March 19-24 at the Annual Home Show in Youngstown.

Largest Crowd

LARGEST CROWD ever assembled to attend a regularly scheduled indoor commercial broadcast is claimed by KMOX, St. Louis. For the Jan. 18 broadcast of *Your Marriage Club*, conducted on CBS by Haven MacQuarrie for Continental Baking Co., KMOX estimates 12,000 persons overflowed the St. Louis Municipal Auditorium to watch the 10-10:30 p.m. rebroadcast.

FOLLOWING the precedent set by the British Broadcasting Corp. the Canadian Broadcasting Corp has set up a publication division which offers for sale book copies of broadcast series which have been made over the CBC national network. Eight publications are on the list at present.

CONSTRUCTION has started on new studios of CKWX, Vancouver, being moved from the Hotel Georgia to the top floor of the Georgian Bldg., where four studios, two control rooms, a stage and auditorium seating 250 persons are being built and equipped, to be ready by March 15. M. V. Chesnut, manager of CKOC, Hamilton, Ont., is on loan to CKWX during reorganization to give the new manager, F. M. Squires, of CJCS, Stratford, Ont., the benefit of Taylor, Pearson & Carson plan of operation and institute the new program policy. Taylor Pearson & Carson, Ltd., recently took over operation of the station.

A NEWLY ORGANIZED group, Friends of New York State Soldiers and Sailors, headed by Thomas J. Watson, president, International Business Machines, is mobilizing radio, theatrical, and musical talent for the purpose of providing entertainment for thousands of soldiers and sailors undergoing training.

EVERY phase of crime and criminal law enforcement in metropolitan New York is to be discussed on the series of 13 Wednesday half-hour lecture broadcasts on WNYC, New York's Municipal station, with noted speakers explaining the organization of the various city criminal investigation and prosecution bureaus.

WGBF-WEOA, Evansville, Ind., recently transcribed a series of broadcasts at Camp Shelby, Miss., dealing with the 1,000 National Guardsmen from Indiana in training there. Guy Crecelius, special events announcer of WGBF-WEOA, handled the programs.

WWL, New Orleans, originated the first of its *Sectional Salute* broadcasts from Baton Rouge Feb. 1. Conducted by Woodrow Hattic, the show will honor different sections of the WWL audience using WLOY, mobile unit of WWL, for the remotes.

SCRIPT writing course, conducted by Woodbury Carter, program director of WTRY, Troy, N. Y., are being held at the behest of the Troy Women's Committee for National Defense. The initial session attracted over 300 persons. Classes in speech will follow at the conclusion of the present course.

SONG SKIT satirizing the BMI-ASCAP embroglio, written by Jim Rudolph, KVOO, Tulsa, continuity editor, was presented at the annual Tulsa Gridiron Show by Herb Lateau, Jimmy Todd and J. B. Lake, KVOO announcers, and Jack McElroy, KTUL announcer.

WNAX, Yankton, S. D., awarded 350 bronze medallions during the past year to 4-H boys and girls for 4-H Club work.

EDUCATION BY FM
Cleveland Station Switches Its Type of Signal

WBOE, non-commercial station operated by the Cleveland Board of Education, on Feb. 3 took the air as one of the first FM stations in Northern Ohio. Formerly an amplitude modulated educational outlet, WBOE operates on a seven-hour schedule each school day, from 8:30 a.m. to 4:30 p.m. Cleveland schools have been equipped with FM receivers for the station's educational and cultural programs, some of which are independently originated and others picked up through cooperation of other Cleveland stations. Programs range from stories for kindergarten children to discussions of current problems for high school pupils.

WBOE received its FM transmitter through a gift by Maj. Edwin H. Armstrong, inventor of the Armstrong wide-swing FM system, made after he inspected the educational station last year during a visit to Cleveland. Maj. Armstrong, impressed with the station and its educational work, gave the school system a $4,400 FM unit to adapt its AM transmitter.

A NEW service to radio listeners unable to tune in on daytime broadcasts is offered by the WJJD program department each Sunday afternoon with the presentation of the *WJJD Preview* heard from 3:30-4 p.m. under the direction of J. L. Allabough Jr., program director. Important talks, round table discussions, interviews with celebrities, unusual entertainment innovations, and important court trials are recorded at their time of broadcast and presented in abbreviated form. Length of each section of the program depends upon the amount of important material aired over WJJD during the preceding week.

INAUGURATION of a sales service department of WBBM, Chicago, effective Feb. 10 was announced by J. Kelly Smith, commercial manager of WBBM, on Jan. 29. George Grant, since 1937 of the promotion dpartment of the *Des Moines Register & Tribune*, will direct the new department's activities. A graduate in journalism of Missouri U in 1937, Grant joined the Iowa newspaper immdiately after finishing school where he edited four house organs. Duties of the new department will be to act as liaison between station, agency and sponsor and will do special promotional and contact work.

KTAR, Phoenix, carried an informal interview program featuring the nation's outstanding golfers during the $5,000 Western Open at the Phoenix Country Club Jan. 31-Feb. 2. Program was arranged by J. Howard Pyle, KTAR program director, and featured Clarence Budington Kelland, novelist and radio serial author, as m. c.

Grant Names McClaine

JAMES McCLAINE, Dallas radio director of the Grant Adv. Inc., on Feb. 4 was transferred to Chicago where he assumed a similar post with supervisory control over the Chicago, Dallas and New York offices. Heretofore Lew Valentine, known as Dr. I. Q. on the Mars Candy Co. program of the same name, served as radio director but now devotes his time to production. Before joining the Grant agency Mr. McClaine was program director of the Texas State network.

WDRC
CONNECTICUT'S PIONEER BROADCASTER
NO. 1 TEST CITY
Advertising agency executives vote Hartford the No. 1 Test City for the U. S. A. And that makes WDRC, Hartford, the nation's No. 1 radio station for a test campaign. WDRC gives you the three things that make a test click: coverage, programs, rate.
CBS
BASIC CBS FOR CONNECTICUT

MISSOULA
SHORE HAS GROWED!
From 1930 to 1940—
Montana gained 3.4%
MISSOULA GAINED 30.2%
Earnin' and Spendin'
more, too. Yes Sir!
KGVO 5000 W. DAY 1000 W. NIGHT 1260 KC.
MISSOULA, MONTANA
Growing with Western Montana—Central Idaho

INS
Seven more radio stations — WKBB, KFMB, WKPA, WSAY, WCNW, WCOS, WMAN — have signed up for INS in the last ten days.
INTERNATIONAL NEWS SERVICE

The Northwest's Best Broadcasting Buy
WTCN
AN NBC STATION
MINNEAPOLIS ST. PAUL
Owned and Operated by ST. PAUL DISPATCH PIONEER PRESS, MINNEAPOLIS TRIBUNE and TIMES TRIBUNE.
FREE & PETERS, INC. — Natl. Rep.

NEW radio game, *Musical Baseball*, has started on KGO, San Francisco. Conceived by Producer Wallace Ruggles, the program features a question and answer contest. Each contestant is given a set of four questions; for each question answered correctly the contestant is advanced successively to first, second and third base and given 25, 50 and 75 cents for each advance. The final home-run question is worth one dollar. Participants also are paid a dollar for each run "batted in", making the total possible prize $5.50, plus two free dinners in a San Francisco hotel as an extra dividend. Frank Barton serves as master of ceremonies for the new broadcast program on the Coast.

Purely PROGRAMS

Personalities with the News

RECORDED interviews of the personalities who make up the news of the day are used to supplement the weekly newscast, *Off the Record*, heard each Sunday night on KSTP, St. Paul. As the show is run in conjunction with the *Minneapolis Star-Journal*, plugging the newspaper's extensive local coverage, the *Star-Journal* reciprocates by supplying special news material to KSTP.

Freedom's Theatre

FAMOUS stage and screen stars are featured on *The Theatre of Freedom*, new Sunday evening dramatic series started Feb. 2 by Canadian Broadcasting Corp. Twelve performances are scheduled, starting with "Seems Radio Is Here to Stay" by Norman Corwin and starring Sir Cedric and Lady Hardwicke. The series is part of CBC's war program, the plays all featuring some message for democracy. The programs start at 8:30 p.m. (EST), will be carried as sustaining features of the CBC national network, and are produced by Rupert Lucas, with J. C. Innes as commentator, R. S. Lambert as consultant, Reginald Stewart as music advisor.

* * *

From the Beach

BROADCAST from the water's edge at Palm Beach's municipal beach, WJNO, West Palm Beach, Fla., has started a new weekday quarter-hour, *Fun in the Sun*. Against a background of roaring surf and music by an orchestra playing under colorful beach umbrellas, visitors are interviewed and entertained. A weekly feature of the series is a bathing beauty contest in which the 500 to 700 spectators each Saturday select the bathing beauty of the week by their applause.

* * *

Hangar Gossip

DESIGNED to bring the latest aviation news to youths in the Fargo, N. D., area interested in flying, WDAY is presenting the thrice weekly *Aviation in the News*. Bob Dobbins continuity editor of the station and member of the Fargo Pilots Assn., conducts the broadcasts giving latest flying news and information obtained from UP, government agencies and the Fargo Pilots Assn.

* * *

Pets' Program

COOPERATING with the Salt Lake City Humane Society, KUTA, Salt Lake City, is presenting a thrice-weekly quarter-hour program, *Pet Corner*, devoted to information on lost and found pets and the care of animals. Poetry and stories about pets, along with letters from listeners, round out each broadcast, conducted by Phyllis Lund and Verne Johnson.

* * *

Successful Women

NOTED WOMEN who are successful in the business world are interviewed on *Success Secrets*, weekly quarter-hour program on WINS, New York, conducted by Irma Ericsson. Amy Vanderbilt, authoress, was interviewed on the initial program Feb. 4.

WTRY Vitamins

CONCERNED with an increasing number of cases of grippe and colds in its areas, the management of WTRY, Troy, N. Y., consulted medicoes for advice on how WTRY employes could build up resistance to respiratory ailments. Following the advice, an order was issued to all announcers and engineers recommending that they take one vitamin capsule daily until April 15, with the station providing the vitamins.

Vital Questions

ROUNDTABLE discussions on subjects of vital public interest are broadcast weekly by WCAU, Philadelphia, in co-operation with Temple University. Heard Sundays throughout the academic year, the *Temple University Radio Forum* will be presented in a non-partisan, informal manner, featuring the legal, economic and political aspects of the question at hand. Leading figures in the particular field under discussion will be invited to participate in the round table meeting. William L. Fox, local attorney, directs each broadcast which starts with the new school term.

* * *

American Role

APPROXIMATELY 100 listening and discussion groups of women in various Eastern states have been formed to hear regularly the weekly series, *America's Role in Foreign Affairs*, on WQXR, New York, in addition to the regular radio audience. Material on the program's speakers and discussion leaders is furnished the groups by the League of Women Voters. While listening to the programs, the women knit for Britain.

* * *

Border Incidents

BASED on actual exploits of the U. S. Border Patrol, the new *Border Patrol* series started Feb. 6 for 26 weeks on a nationwide MBS hookup, under auspices of the Immigration & Naturalization Service of the Justice Department. The quarter-hour weekly dramatizations are originated at WOL, Washington.

* * *

Keglers' Corner

SPOT NEWS from tournament play and interviews with bowling personalities makes up the new thrice-weekly *Bowling on the Air* feature of KLX, Oakland, Cal. Stanley McDonald handles the broadcast.

* * *

The Vernacular

DEALING with the history of pat phases and ancient and time-honored folk expressions is the new *Eternal Words*, on KRE, Berkeley, Cal.

"AND I SAY . . . !"

Getting attention is one thing—*holding* it, another! Down here in Roanoke and southwest Virginia WDBJ *gets* maximum attention because we're the *only* station hereabouts with power enough to cover the whole territory! And we *hold* that attention because we know what the 1,282,920 listeners in our area *want*—and *give it to 'em!* Incidentally, this area spends over $400,000,000 at retail a year! The set-up is made to order—why not come and get your share?

WDBJ ROANOKE, VIRGINIA

FREE & PETERS, Inc. Exclusive National Representatives

Owned and Operated by the TIMES-WORLD CORP.

CBS Affiliate • 5000 Watts Day • 1000 Watts Night • 930 Kc.

KMBC of Kansas City

5000 watts • CBS • Arthur B. Church Programs

FREE & PETERS, Inc., National Representatives

Auction Opportunities

CONDUCTED as a regular commercial auction, *Radio Auction*, started Feb. 11 as a regular weekly participating program on WIP, Philadelphia. Studio audience is invited to bid on merchandise supplied by the program's various sponsors, although no actual exchange of money takes place during the broadcast. At conclusion of the broadcast each successful bidder is given a card which when taken to the sponsor's place of business and presented with the amount of money bid at the studios entitles him to the merchandise he successfully bid in. Bidding is restricted to those in the studio and the merchandise is primarily for household use. There are no commercal announcements as such, although participating sponsors get mentions when their product is put up for auction. Walt Newton, WIP announcer, presides as auctioneer.

* * *

For Pretty Parlors

COVERING suggestions and problems of home decorating, the thrice-weekly *New England Home* feature started Feb. 10 on WEEI, Boston, and the New England Network. Clara Dudley, writer and decorating consultant, gives pointers on home furnishing and beautifying and introduces other experts in the field.

* * *

War Letters

BUILT around a collection of war letters to be published soon by Mrs. Vincent Sheean, wife of the foreign correspondent, is *War Letters From Britain*, weekly series starting Feb. 11 on WMCA, New York. Presented on behalf of British war relief, the programs will feature prominent personalities reading excerpts from the collection.

* * *

News Roundup

PATTERNED after the foreign news roundups of the national networks, the West Virginia Network each Sunday evening calls in its newscasters from the network's stations in Parkersburg, Clarksburg, Huntington, and the State capital, Charleston, for a half-hour resume of the news throughout the state.

* * *

Court of Missing Airdales

APPEALS of dog owners for lost, strayed, or stolen pets are broadcast on the *Lost Dog Directory* of WCLE, Cleveland. The daily five-minute program, sponsored by the Cleveland Memorial Pet Hospital, gives names and descriptions of the missing canines, where last seen, etc.

Pride of the South

HONORARY salutes to the men and their professions who have figured prominently in the development of New Orleans is the purpose of *The Sixty Men Who Make New Orleans*, featured each Wednesday by WWL. A different profession is chosen each week, the initial broadcast Jan. 29 paying tribute to the realtors.

* * *

Fireside Chats

IMPROMPTU visits into various Amarillo homes go to make up the quarter-hour *Holsum Bread Man*, sponsored by the Amarillo Baking Co. Program is heard daily at 6:30 p.m. on KFDA, via short wave mobile unit, KFDB, and is designed to acquaint listeners with many interesting residents of the city.

* * *

Battlegrounds

PROVIDING the geographic aspects of the present war is the purpose of WSYR, Syracuse, in presenting *Geography of the War*, ten-minute program on Mondays at 9:50 p.m. Prof. George B. Cressy, of Syracuse U, one of the nation's outstanding geographers, describes the battlefield outstanding in the week's news.

* * *

Great Folks

NEW YORK'S municipal station, WNYC, has started a weekly one-hour weekly program of historical dramas, *Created Equal*, and built around the lives of great men and women of history. Program, heard Sundays 5-6 p.m., is directed by Mitchell Grayson.

Touchdown

SOMETHING new in personal service was accomplished by WKY, Oklahoma City, during the football season. Oklahoma U was playing Santa Clara U. On the opening kickoff Orv Mathews, Sooner backfield man, snagged the kick and started to run. Up in the radio booth WKY Sportscaster Chuck Inglis traced his progress step by step as he weaved through the Santa Clara team for 92 yards. A patient at the Western Oklahoma Sanatorium, who had been unable to talk for more than a year because of tuberculosis of the throat, heard the broadcast, got so excited at the description of the run that he sat up in bed and started to yell—and has been able to use his voice ever since.

License Lottery

LATEST version of radio's many prize programs is the *Lucky License* on WHBC, Canton, O. License tags of motorists who drive in at the local Avalon Restaurants, sponsor of the program, are noted. All these numbers are placed in the lottery for the weekly drawing. If the winning number announced over the air fails to claim the cash prize, it is added to the following week's award.

"Oh, I sell through the air with the greatest of ease . . . just hitch this Winged Plug to your contract, I'll switch a lot of buying ears your way. Take the word of my 138 current sponsors — — I make Cincinnati's sales curves sail!"

WSAI CINCINNATI'S OWN STATION
REPRESENTED BY INTERNATIONAL RADIO SALES

Get on WJHP's new highway to Jacksonville's buyways!
NBC BLUE
WJHP
JACKSONVILLE FLORIDA
H. G. WELLS, JR., General Manager
Represented nationally by JOHN H. PERRY ASSOCIATES
WM. K. DORMAN, Mgr., 225 West 39th St., N. Y. CITY
CHICAGO DETROIT ATLANTA PHILADELPHIA

FAIRMONT
A Fort Industry Market

HOW TO PLAY POST OFFICE In 33,399* Easy Lessons

★ That was the mail count of WMMN for the month of December, 1940. The mail came from 40 states, Canada and Hawaii, with most of it written by those enthusiastic listeners in thriving West Virginia where WMMN is a real factor in the daily living of thousands of people.

Ask a John Blair Man

A FORT INDUSTRY STATION
5,000 WATTS DAY
1,000 WATTS NIGHT
WMMN
FAIRMONT, W. VA.

WHO
(ALONE!)
for
IOWA PLUS!
DES MOINES-50,000 WATTS,
CLEAR CHANNEL

ANOTHER FIRST
A 64% increase for the 1935-40 period placed Shreveport as the leading city in Louisiana and Ark-La-Tex in wholesale sales. The number of wholesale establishments increased 46%. Shreveport is the CAPITAL CITY of the rich Ark-La-Tex trade area.
50,000 Watts
A SHREVEPORT TIMES STATION
KWKH
Represented by The Branham Co.
CBS
Shreveport Louisiana

CHNS
HALIFAX, NOVA SCOTIA
Is Located in the Centre of the Radio Audience of the Province.
You Cannot Miss If You Use This Station As Its Audience Has Learned to Rely on It Over a Period of Fifteen Years of Uninterrupted Service.
Representatives
WEED & COMPANY
350 Madison Ave., N. Y.

WRVA COVERS RICHMOND AND NORFOLK IN VIRGINIA!
50,000 WATTS
COLUMBIA AND MUTUAL NETWORKS
PAUL H. RAYMER CO. NATIONAL REPRESENTATIVE

South Bend, Philadelphia Granted FM Licenses

WITH the granting of additional construction permits by the FCC Feb. 4 for commercial FM stations in Philadelphia and South Bend, Ind., the total number holding construction permits is 32.

The Philadelphia station was authorized to the WFIL Broadcasting Co., licensee of WFIL, to operate on 45.3 mc., covering 9,300 square miles and reaching a population of 4,000,000. The South Bend construction permit was issued to the *South Bend Tribune*, operator of WFAM-WSBT, to operate on 47.1 mc., covering 4,300 square miles and a population of 448,000. Call letters have not yet been assigned.

Also received by the FCC during the past week was the application of the Courier-Journal & Louisville Times Co. (WHAS) for facilities in Louisville, requesting the frequency 45.7 mc., to cover 13,200 square miles and a population of 1,004,320.

Comdr. Edwards Named To New Post in Canada

LIEUT. COMDR. C. P. Edwards, director of air services, including radio, in the Department of Transport, Ottawa, has been appointed Deputy Minister of the Department of Transport, succeeding the late Col. V. I. Smart. He is well-known in North American radio circles, having attended practically all international and North American radio conferences since 1912, and is a fellow of the Institute of Radio Engineers.

He started in radio with Marconi in 1903 at Chester, England, near his birthplace, Dodleston, Wales. He became junior technical assistant, and in 1904 was sent by Marconi to Canada to superintend construction of stations at Camperdown, N. S., and Sable Island, off Nova Scotia. In 1909 Comdr. Edwards joined the Canadian Government as director of radio in the then Department of Marine, holding this post till 1936 when he was appointed director air services including all branches of radio, civil aviation and meteorological stations.

Charges Filed by Unions Cite KMTR, Hollywood

CHARGES of unfair labor practices have been filed with the National Labor Relations Board and Wage & Hours Division, Department of Labor, against KMTR, Hollywood, by Los Angeles Chapter of AFRA and Local 40, IBEW. Unions allege the station has refused to enter into collective bargaining. AFRA further claims several announcers were discharged by the station because of union membership and activity. KMTR, which owns and operates Radio Newsreel, recorded news service, recently dismissed two commentators, Allen Berg and Ed Rowland. One technician, Bob De Vilbiss, was also discharged.

KMTR, along with KGFJ, Los Angeles, has been put on the IBEW unfair list for alleged refusal to negotiate with the technicians' union. Letters have been circulated to advertisers and agencies servicing accounts, urging cooperation in the boycott.

WMAL, Washington, opened its new transmitter house Feb. 3 when the station increased its power from 500 watts day, 250 night, to 5,000 full-time. The station is owned by the *Washington Evening Star* and operated by the National Broadcasting Co. The new transmitter was built at a cost of $200,000 and is housed in a building of Williamsburg Colonial design on a site covering 100 acres in Montgomery County, Md. The one-and-a-half story structure contains a large transmission room, a high voltage room and a workshop. An added convenience is an apartment consisting of a living room, dinette, kitchen and bath.

Civil Service Announces Inspector Examinations

U. S. Civil Service Commission has announced examinations to fill the positions of radio inspector in the FCC at $2,600 a year, and assistant radio inspector at $2,000 a year, salaries subject to a 3½% retirement deduction. Applications must be filed at the Civil Service Commission in Washington not later than March 6, with a March 10 extension for those sent from Colorado and stations westward.

To qualify for radio inspector, applicant must have had four years of college in electrical or communications engineering, or in physics. Actual radio experience can be substituted for part of the educational requirement. Radio inspectors in the FCC must also hold a first-class radiotelegraph operator's license or demonstrate that they can receive and transmit plain text in the International Morse Code at rate of 25 words a minute. Further details may be obtained at the Civil Service Commission in Washington or from the secretary of the board of U. S. Civil Service Examiners at any first or second-class post-office.

War Department To Seek Information from Hams

IN LINE with its defense planning, the War Department announced Feb. 4 that it shortly will send out to more than 50,000 licensed radio amateurs a questionnaire relating to national defense operations. It is understood the procedure was decided upon by the Amateur Radio Committee of the Defense Communications Board, handling the whole subject of communications preparedness. The data, the War Department said, will be used for statistical purposes only and will not obligate or register the radio operators in any way.

The Senate Commerce Committee Feb. 4 reported favorably a bill creating a Coast Guard Reserve, which would include the enrolling of radio operators in that service. The Coast Guard, in time of actual war, becomes a branch of the Navy.

in the CONTROL ROOM

HAROLD CRISPELL, U of Colorado engineering graduate, has joined the engineering division of Commercial Radio Equipment Co. in the Hollywood office of the firm. Robert F. Wolfskill, manager of the Hollywood office, is scheduled to return there shortly from Kansas City, where he has spent several weeks on business. Paul Martin has been added to the frequency monitoring staff of the Kansas City office of CREC.

S. C. DIER, chief engineer and John Agostine, operator, of KSCJ, Sioux City, have left for a year's duty with the Army. Dier is a captain, Agostine a corporal in the Iowa National Guard.

RALPH E. CANNON Jr., chief engineer of WINX, Washington, has completed the new station's technical staff. Ross H. Beville is assistant chief engineer. Transmitter engineers are William Brubaker, Blair Jones, Fay Martin, Larry Lefabvre and Pete Meisinger. Booster engineers are Max Epstein, Carson Andrick and Bernard Rosenberg.

EDWARD HOPPER, engineer of WHN, New York, and operator of his own amateur station W2GT, was given top honors in the American Radio Relay League by being awarded first place as a member of the Century Club. Also a member of the Club is Frank Anzelone of the WHN engineering staff.

GILBERT F. KEMP, formerly radio engineer of the United Airlines, Chicago, has joined the engineering department of NBC, Chicago. Kemp temporarily replaces Frederick C. Shidel, who was granted a leave of absence of one year for military service.

BOB GRANT, operator of WRBL, Columbus, Ga., is the father of a son, John Robert III, born in January.

PAUL LEAKE, engineer of KSFO, San Francisco, on Feb. 1 left for active service as second lieutenant in the Signal Corps at Fort Lewis, Wash.

EARL STEPHENS has joined the engineering staff of KUTA, Salt Lake City.

JOHN LYON, engineering student at the U of South Carolina, has joined the control staff of WIS, Columbia, S. C.

AGENCY Appointments

LIBBEY-OWENS-FORD Glass Co., Toledo, to Fuller & Smith & Ross, New York. Company continues sponsorship of half-hour Sunday program on CBS, *Design for Happiness*.

GENERAL ICE CREAM Co., with branches throughout New England and New York State, to McKee & Albright Inc., Philadelphia and New York. Earl B. Thomas, vice-president in charge of the agency's New York office, will be the account executive.

H. BOMZE & BROTHERS, New York and Philadelphia (June Arden Frocks), to Adrian Bauer, Philadelphia.

THE DILL Co., makers of Epsotabs, laxative, to Richard A. Foley, Philadelphia.

FOREMAN & CLARK, Los Angeles (chain clothiers), to Milton Weinberg Adv. Co., Los Angeles. Radio, along with other media will be used.

T. M. SAYMAN Products Co., St. Louis (Vegetable Wonder Soap and Salve), to Kelly, Stuhlman & Zahrndt Inc., St. Louis. Tentative plans include spot radio.

BAKER IMPORTING Co., New York (coffee), to H. B. Le Quatte Inc., New York. Using newspapers to promote Barrington Hall Instantly Soluble coffee.

PARALENE PRODUCTS, New York, to Piedmont Agency, New York. Spot announcements will be used to promote Paralene cleansing cream and shampoo.

RIT PRODUCTS Corp., Chicago (Tints & Dyes), to Earle Ludgin Inc., Chicago. Radio will be used.

SEVEN-UP Co., St. Louis (soft drink), to Young & Rubicam, Chicago.

EDNA LAUE, Chicago (cosmetics), to Sehl Adv. Agency, Chicago. In mid-February starts a 26-week test campaign of three weekly 50-word announcements on WMBD, Peoria, Ill.

MT. CLEMENS Water Products Corp., New York, to Saltzman Service, New York for the promotion of Spa-King mineral water. Spot announcements are being considered.

NATIONAL ORANGE SHOW, San Bernardino, Cal., to Chet Crank Inc., Los Angeles. Southern California radio will be used along with other media, starting in mid-Feb.

OCCIDENTAL LIFE INSURANCE Co. of Cal., Los Angeles, to Heintz, Pickering & Co., Los Angeles.

RIT PRODUCTS Corp., Chicago, to Earle Ludgin Inc., Chicago.

FORD MOTOR Co., Dearborn, Mich., to Cockfield, Brown & Co., Montreal for Canadian advertising.

MICKELBERRY'S FOOD PRODUCTS Co., Chicago, to L. W. Ramsey Co., Chicago, L. H. Copeland account executive.

CHICAGO PRINTED STRING CO., to Burton Browne Inc., Chicago. Account is seasonal user of radio.

KURLEY-KATE, Chicago (stainless sponge cleaner), to Martin A. Pokrass, Chicago. Radio to be included in plans.

THE VOICE OF MISSISSIPPI

WJDX

5,000 D
,000 N

JACKSON

N.B.C. RED

Owned and Operated By
LAMAR LIFE INSURANCE COMPANY
JACKSON, MISSISSIPPI

Thwarts Bolt

DICK CAHILL, engineer of KSAL, Salina, Kan., is credited with saving KSAL's transmitter from serious damage. Recently a bolt of lightning struck one of the transmitter towers, melted down an antenna coupling unit and burned out several meters and coils. Further damage was prevented by Cahill's quick action when the bolt struck. Seeing a ball of fire coming toward the transmitter building along wires leading in from the towers, he flipped the switch and shut off the power connection between the transmitter and antennas.

Major-Senator Nickell

MAJ. JOE. NICKELL, attached to the general staff of the 35th Division of the Army at Camp Robinson, Ark., has obtained a leave of absence to serve as Senator in the Kansas Legislature, now meeting in Topeka. Maj. Nickell for 17 years was news reporter on WIBW, Topeka, and managed the station in the late '20s. In addition he was once a city editor of the Capper Publications, with which WIBW is affiliated, and was a practicing attorney.

Maj. Nickell

KWIL Goes on Air Two Months After CP Grant

KWIL, Albany, Ore., operating with 250 watts on 1530 kc., went on the air with a dedicatory program the evening of Jan. 14, just two months after the FCC granted the construction permit to the Central Willamette Broadcasting Co.; 42.23% owned by W. J. Jackson, co-publisher of the *Albany Herald*; 50% owned by M. M. Cronise, co-publisher of the same newspaper; and the remaining .77% owned by Glenn L. Jackson, of Medford, Ore.

Besides the owners, members of KWIL include C. B. Wheeler, former commercial manager of KBND, Bend, Ore., station manager; Hal Byers, former KBND salesman, commercial manager; Herbert A. Davidson, formerly with KSLM, Salem, operator, announcer and program; Ben T. Weaver, formerly with WHAM, Rochester and KINY, Juneau, Alaska, program and announcing; Paul W. Spargo, formerly with KVAN, Vancouver, Wash., chief engineer; John W. Kibby, from KLBM, LaGrande, operator - announcer; Keith L. Mealey, KOAC, Corvallis, operator-announcer; Miss Evelyn Larsen, KOAC, program, announcing and receptionist.

The new station is affiliated with the MBS-Don Lee Broadcasting System.

WCLS Approved Boost

WCLS, Joliet, Ill., on Feb. 4 was authorized by the FCC to shift frequency from 1310 kc. with 1,000 watts to 1340 kc. with 250 watts fulltime, effective with the reallocation March 29.

Radio Repair Census

THE NATION'S 10,732 radio repair shops did a business in 1939 totaling $21,687,000, according to figures released Feb. 3 by the Census Bureau in connection with the 1939 Census of Business. In this branch of the radio business there were 11,000 active proprietors of unincorporated businesses, hiring an additional 2,591 workmen, the Census report revealed. The 1939 payroll amounted to $2,004,000 for the 1,911 fulltime and 680 parttime employes, it was stated.

STAN LOMAX, sports commentator of WOR, New York, is making 300 3½-minute records for Transcribed Radio Shows, New York, for distribution to radio stations outside WOR's listening area. They are used for local commercials.

Haskins Adds 8

HASKINS BROS. & Co., Omaha, currently using six Midwest stations for its transcribed dramatic serial *Sparks of Friendship* in behalf of its product Spark Soap, [BROADCASTING, Jan. 13] on Feb. 3 started a campaign on eight additional stations for another product, Blue Barrel white laundry soap. Participating periods are being used in home economics programs on KOIL, KFAB, WMT, KSO, WNAX, WIBW, WCCO, WHBF, six times weekly. Newspaper copy and premiums are tied up with the radio campaign. The current campaign was planned under the supervision of E. T. Gaither, general manager and vice-president of Haskins Bros. Agency is Sidney Garfinkel Adv. Agency, San Francisco.

WHAT ARE WE OFFERED FOR DINGUS (Ky.)?

Go ahead and laugh if you like, but Dingus (Ky.) is an honest-to-gosh town. We just thought we'd mention it, because Dingus is kinda typical of the towns you *don't* pay for when you use WAVE! We give you, instead, the vast, rich Louisville Trading Area — a better-than-ever market because of defense activities, which have increased payrolls more than $1,150,000 a week! And our rates are only about *half* what it takes to really cover this market by any other medium! Shall we ee-lucidate?

LOUISVILLE'S WAVE

5000 WATTS 940 K. C. N. B. C.

FREE & PETERS, INC., NAT'L REPRESENTATIVES

CRYSTALS by
HIPOWER
The Hipower Crystal Company, one of America's oldest and largest manufacturers of precision crystal units, is able to offer the broadcaster and manufacturer attractive prices because of their large production and the exclusive Hipower grinding process. Whatever your crystal need may be, Hipower can supply it. Write today for full information.
HIPOWER CRYSTAL CO.
Sales Division—205 W. Wacker Drive, Chicago
Factory—2035 Charleston Street, Chicago, Ill.

(U.P.)
THE MARK
OF ACCURACY, SPEED
AND INDEPENDENCE IN
WORLD WIDE NEWS
COVERAGE
UNITED PRESS

NATIONAL LEAD Co., San Francisco (Dutch Boy paints), seasonal users of radio, through Erwin, Wasey & Co., that city, on Feb. 20 starts sponsoring a weekly half-hour quiz type of program, *Answer Auction*, on 8 CBS Pacific Coast stations (KNX KSFO KARM KROY KOIN KIRO KVI KFPY) Thursday, 9:30-10 p.m. (PST). Contract is for 30 weeks. Tom Breneman has been signed as m.c., with Tom Hanlon, announcer.

Under program format, five studio audience contestants compete for prizes, bidding for the right to answer queries. Each contestant, at start of the program, is credited with $5 which is used to purchase questions. Highest bidder receives the question auction. If answered correctly, an amount equal to his bid is credited. If he fails, amount is deducted from his original $5. Person finishing program with the largest sum of money receives a $10 bonus. Sponsor pays $2 for all questions mailed in and used on the program. Firm sponsored this program on the same list of stations last spring.

* * *

Come to WIRE

INDIANAPOLIS' Claypool Hotel has printed a full-page invitation to visit the WIRE studios "atop the Claypool" on the inside back cover page of telephone books.

...and 220,113 people in this RICH TRIPLE-MARKET did!
(1940 total)

That's real action—220,113 pieces of mail from WDZ listeners in 1940! And, it's real proof of WDZ pulling power. Obviously the folks who wrote in are but a fraction of the number who will hear and heed your message over WDZ!

Here's What Some of These Responses Were—

10,119 box fronts for Wait's Green Mountain Cough Syrup with a 15 minute program, three times weekly for 13 weeks.

5,205 labels for Kitchen Klenser with a 5 minute feature, three times weekly for six weeks.

9,125 replies to Household Magazine Contests with 52 100-word spot announcements.

3,343 cash orders for Interstate Nurseries on one 5-minute program daily, 6 days weekly, 13 weeks.

6,801 orders for Skruland Photos with a 15 minute program three times weekly for 26 weeks.

5,[illegible]62 replies for Monarch Oil Company from THREE 100 word announcements.

THE WDZ TRIPLE MARKET

1. AGRICULTURAL
WDZ's market area includes some of the richest agricultural counties in the nation!
2. METROPOLITAN
Five industrial and urban centers give you another big market. Champaign-Urbana, Decatur, Danville and Bloomington (Ill.) and Terre Haute (Ind.) respond generously to WDZ.
3. OIL PRODUCING
Illinois' booming oil fields offer a truly golden opportunity for WDZ Advertisers.

Take advantage of WDZ's pulling power in this rich triple market. Write for full information on WDZ's amazing sales appeal!

WDZ TUSCOLA ILLINOIS
WDZ BROADCASTING COMPANY

HOWARD H. WILSON CO.
Special Representatives
New York • Chicago
Kansas City • San Francisco

Merchandising & Promotion

Quizzer Bidders—Lobbies Displayed—Praise for Protector —Samples—How to Be Happy

Hotels in Chicago

WLS, Chicago, during the week of Jan. 27, in connection with the celebration of *Prairie Farmer's* centennial year, displayed 12 farm dinnerbells in the lobby of Chicago's LaSalle Hotel. All the bells displayed were over 100 years old and have been donated to the station by farm families in the Midwest to be used on the *Dinnerbell* program.

During late January WLS had a 20-foot display at the Stevens Hotel, showing all food products advertised on the station, as well as a huge coverage map. Occasion for the promotion was the conventions of the National Canners Assn., National Food Brokers Assn., National-American Wholesale Grocers Assn., U. S Wholesale Grocers Assn., National Food Distributors Assn., and several dozen related groups. Daily *Homemakers' Hour* and *Feature Foods* program were broadcast from the hotel and delegates as guest speakers were presented.

* * *

NAB Booklet Praised

NAB reports that its booklet, 'Portrait of a Protector", created in response to inquiries about the music situation, has been hailed as an "outstanding example of the use of direct mail" by the Direct Mail Advertising Assn., which has mailed copies of the booklet to 550 advertisers belonging to the DMAA.

Another NAB mailing piece, an open letter addressed "To American Music-Lovers", copies of which were sent to Chamber of Commerce officials, has been requested in quantity by numerous organizations. More than 5,000 copies were mailed in a week on specific request, NAB states. Another 20,000 were sent to WRVA, Richmond, which asked for them to send listeners.

* * *

Samples of Sponsor

EACH NON-COMPETITIVE sponsor on the participation program featuring *Happy Johnny & His Gang* on WBAL, Baltimore, is invited to erect a sales display or banner in the reception room of the studio. Attendants pass out samples of advertised products and advertising literature.

Deal With Bus Line

KYW, Philadelphia, has launched a reciprocal advertising campaign with the Public Service Transportation Co. of New Jersey, bus line, consisting of poster displays for the station and radio time for the bus company. The buses will display 24 x 54-inch dash signs outside announcing the station's increased power to 50,000 watts. In addition, 14 x 15 inch four-color signs, will be placed directly in back of the driver's seat in 500 buses. Public Service will carry the station's new program, *KYW—Where You Hear the Stars*, on many of its promotion pieces including 2,500,000 time-tables, 17,000 display cards, 300,000 direct mail pieces, window snipes, house organ and possibly in newspaper advertising. The bus company will utilize its time for spot announcements.

* * *

Want to Listen?

SPONSOR of *Life in the Army* on WTMJ, Milwaukee, the First Wisconsin National Bank, is merchandising the program direct to listeners. As each of the transcribed interviews with Wisconsin boys at Camp Beauregard, La., is received, it is monitored and the names and addresses of the trainees noted. The bank then sends a friendly letter to parents and families, informing them of the broadcast and inviting them to tune in and hear the boys.

* * *

Trips for Tips

A WEEK'S vacation in Florida will go to two Government employes in a contest staged by WJSV, Washington, on its *Your Government This Week* program. Contestants write a letter or post card to the Federal Employes Council telling about their recreational activities and offering recreation and welfare suggestions.

* * *

Hatching Time

LISTENERS guess the time first egg will hatch in incubators operated on KXOX. Sweetwater. Tex. by Egg-A-Day Hatchery, of Rotah, Tex. Closest guess wins 100 chicks. The program itself is transcribed from a market, which takes orders for sponsor's chicks in return for publicity it receives.

AVAILABLE FOR SPONSORSHIP
"The Classical Album"
THE WORLD'S MASTERWORKS OF MUSIC
EVERY WEEKDAY EVENING
AT NINE O'CLOCK
WMEX
BOSTON
5000 WATTS FULL TIME

Releases to Agencies

AFTER WKBW and WGR, Buffalo, read program news releases on the *BCC Reporter* series, the releases are initialed and returned, then sent with a form letter to each agency sponsoring the program concerned.

* * *

Newburgh Year

UNUSUAL stunt was tried recently by WGNY, Newburgh, N. Y., which took full-page newspaper ads to list the names of all individuals and groups presented on the station during 1940.

BROCHURES

RCA—eight page red-white-and-blue folder "Radio Answers the Call," summarizing RCA's varied functions as applied to national defense and the public interest.

KFAR, Fairbanks, Alaska—Brown on buff cardboard file folder listing local and national account of stations and giving a breakdown of Alaskan imports from U. S.

NBC-Red—Two color red on black mail folder promoting network's sales effectives. Piece is reprint of company ad which appeared in Jan. 20 issue of BROADCASTING.

UNITED PRESS—File-size folder containing 10 previously issued brochures illustrating "10 Ways to Make More Money Through UP Radio News Wire Features."

WHN, New York—14-page sales brochure on the *Kid Wizards* replete with description of the program, photos, quotes from the press, and mail response.

WFIL, Philadelphia—Mailing piece. Night and Day, in picture program fashion, giving statistical information about station and a list of 1940 clients.

NAB—Booklet titled "Radio's Contribution to American Democracy, 1920-1940" showing the major role radio has played in presidential elections during the past 20 years.

Cellophane in Canada

CANADIAN INDUSTRIES Ltd., Montreal (Cellophane), has started five-minute transcribed Sunday evening programs *Glimpses Into the Lives of the Great* on 11 stations across Canada. Account was placed by McConnell Eastman & Co., Montreal.

Clothier to Expand

FOREMAN & CLARK, Los Angeles (chain clothiers), has started a six-weekly quarter-hour newscast on KFI, that city. Contract is for 16 weeks, having started Feb. 3. Other stations nationally will be added. Agency is Milton Weinberg Co., Los Angeles.

HIDDEN GENIUS of W. B. McGill, ace promotion manager of KDKA, Pittsburgh, came to light the other day after his return from a belated honeymoon in New York. He captioned this inspired work: *"That must be where they broadcast the soap operas".*

Stations Should Act

(*Continued from page 10*)

in the monitor at that time. The manufacturers will schedule the work and notify each station when to send their monitor in. In this way each station can use its monitor on the old frequency as long as possible. The FCC has authorized operation without a monitor for the required time if the monitor is returned on schedule from the manufacturer.

During the period the station is without a monitor frequent checks should be made by the station's monitoring service. A check at least twice a week is suggested. A station's good standing will not be jeopardized if due precautions have been taken and good faith has been shown if they accidentally are found off frequency during the period. Stations should ask their monitor manufacturers for a recalibration schedule without delay.

The equipment necessary to change frequency only requires no further authority from the FCC but any change of tower location and antenna system changes requires a CP in the regular order. The requirements to obtain a CP are not affected by change of requirements due to the reallocation order and must be filed in the usual manner. Stations have full authority without filing for a CP for changing monitor crystals, changing the transmitter crystals, retuning the transmitter and retuning the antenna system provided that if a directional antenna is in use the pattern on the new frequency is the same as on the old and further provided that the physical aspects of the antenna system are not to be changed.

In cases where CP's are required in connection with the reallocation, the FCC is geared to handle them promptly. A note should be appended to the application stating that it is in connection with and in accordance with the reallocation order. If an application is in such form as not to require detailed study, then the FCC, if so requested, will wire the applicant permission to proceed with the construction.

General Mills Discs

GENERAL MILLS, Minneapolis, in the interest of Rex Flour is sponsoring *Betty & Bob*, quarter-hour transcribed serial five times weekly on six Montana stations: KFBB KGHL KGVO KGIR KPFA KRBM. Program, recorded and syndicated by NBC Radio-Recording Division, was placed by Knox-Reeves Adv., Minneapolis.

You cannot cover the Dayton market without WHIO—because

WHIO IS the DAYTON MARKET

5000 WATTS • BASIC CBS

Ask the Geo. P. Hollingbery Company

IN BALTIMORE IT'S WFBR

NATIONAL REPRESENTATIVES EDWARD PETRY & CO.

ON THE NBC RED NETWORK

FULL TIME FOR WTRY

Night and Day Coverage of the Nation's 23d Market

5 to 10 MV throughout the Troy-Albany-Schenectady Metropolitan District. Low Rates

WTRY Troy, N.Y.

1000 Watts Full Time

950 K.C.

• Authorized

WSYR Syracuse

WKNE Keene, N. H.

An H. C. Wilder Station

Represented by Raymer

ACTIONS OF THE

FEDERAL COMMUNICATIONS COMMISSION

FEBRUARY 1 TO FEBRUARY 7, INCLUSIVE

Decisions . . .

FEBRUARY 1

MISCELLANEOUS—WSPD, Toledo, dismissed without prejudice petition intervene KFRO and on FCC motion deleted Issue No. 3 re interference; WSPD, dismissed without prejudice petition to intervene etc. re application Edward J. Doyle, Rochester, also application WSAY, Rochester; WJLS, Beckley, W. Va., granted amended application CP 900 kc 1 kw unl. directional N, to request another frequency; WOOD, Grand Rapids, granted amendment to application for voluntary assignment license by substituting new agreements among parties, thus dismissing motion for continuance of hearing; NEW, Pan American Broadcasting System, Hollywood, Fla., Atlantic Broadcasting Corp., Miami, and Seaboard Broadcasting Corp., Tampa, Fla., granted petition of applicants insofar as it asks leave to amend applications for CPs new stations to withdraw George H. Bowles and substitute Mrs. Alice M. Sholtz, but ordered hearing scheduled for 2-3-41 cancelled; NEW, Robert V. Lee, Bradenton, Fla., on own motion FCC continued to indefinite date hearing set for 2-3-41.

FEBRUARY 4

NEW, Richard Field Lewis Jr., Winchester, Va.—Granted CP new station 1370 kc 250 w unl.

WREN, Lawrence, Kan. — Granted amended CP to increase N from 1 to 5 kw.

KWWJ, Portland, Ore.—Granted CP change from 1060 kc 500 w ltd. to 1040 kc 1 kw unl., directional N.

WSGN, Birmingham—Granted CP change 1310 kc 250 w to 610 kc 1 kw directional N, new trans.

KIRO, Seattle—Granted modification CP to 50 kw, change antenna.

NEW, Camden Broadcasting Co., Camden, N. J.—CP 800 kc 500 w D, set for hearing.

NEW, Thumb Broadcasting Co., Brown City, Mich.—Applic. CP dismissed and hearing cancelled.

FEBRUARY 5

WFIL, Philadelphia—Granted CP FM 45.3 mc 9,300 square miles nearly 4,000,000 population.

NEW, South Bend Tribune, South Bend, Ind.—Granted CP FM 47.1 mc 4,300 square miles 448,000 population.

NEW, Clinton Broadcasting Corp., Clinton, Ia.—Granted CP 1340 kc 250 w unl.

NEW, Burlington Broadcasting Co., Burlington, Ia.—Granted CP 1490 kc 250 w unl.

NEW, Courier-Post Publishing Co., Hannibal, Mo.—Granted CP 1340 kc 250 w unl.

WCLS, Joilet, Ill.—Granted CP 1340 kc 250 w unl. (now 1310 kc 100 w).

WJAX, Jacksonville, Fla.—CP increase N from 1 to 5 kw etc. set for hearing.

MISCELLANEOUS — WAPI, Birmingham, reconsidered action of Jan. 20 setting renewal application for hearing and cancelled hearing; WESX, Salem, Mass., granted motion dismiss rehearing petition against action of 12-17-40 granting without hearing application C. T. Sherer Co. for new station in Worcester, Mass.; NEW, LeRoy's Jewelers, Los Angeles, FCC on own motion modified conditional grant for television station to substitute Channel No. 13 for No. 10; CBS, Los Angeles, granted extension to 5-1-41 for filing program of research for television station; WHDH, Boston, set oral argument for 2-20 on application increase to 5 kw etc.

WMBQ, Brooklyn—Proposed dismissal with prejudice renewal application and CP.

NEW, Lillian E. Kiefer, Brooklyn—Proposed dismissal with prejudice of application Lillian E. Kiefer for CP.

NEW, Paul J. Gollhofer, Brooklyn—Proposed denial of CP application.

WCNW, Brooklyn—Proposed denial of license renewal and dismissal with prejudice of applications for modification of license and CP.

WWRL, Woodside, Long Island—Proposed grant of applications for license renewal and modification of license to include hours of WMBQ and WCNW.

FEBRUARY 6

WHCU, Ithaca, N. Y.—CP directional, change to 640 kc 1 kw ltd.

WBTA, Batavia, N. Y.—Modification CP new station for new transmitter.

WSTV, Steubenville, O.—Modification license to unl.

WSKB, McComb, Miss.—CP 1200 kc 590 kc IV.

FEBRUARY 7

MISCELLANEOUS—KSFO, San Francisco, granted leave amend application re power increase etc.; NEW, Mosby's Inc., Anaconda, Mont., granted leave amend application CP to 1200 kc 500 w 1 kw D unl.; NEW, R. B. Eaton, Des Moines, granted continuance hearing television application; KTSM, El Paso, granted amendment to reduce N power to 500 w; WTEL, Philadelphia, granted continuance hearing 60 days from 2-24-41; WBAX, Wilkes-Barre, Pa., continued oral argument to 3-13-41; WMBG, Richmond, Va., granted continuance hearing 30 days from 2-21-41.

Applications . . .

FEBRUARY 4

WCAX, Burlington, Vt.—CP new transmitter, directional antenna, change 1200 kc 250 w to 620 kc 1 kw.

NEW, News Syndicate Co. Inc., New York—CP FM 44.7 mc 8,500 sq. miles 11,212,416 population.

WCAU, Philadelphia — Modification CP new equipment to change antenna.

NEW, Courier-Journal & Louisville Times Co., Louisville—CP 45.7 mc 13,200 sq. miles 1,004,320 population.

W47P, Pittsburgh—Modification CP FM re antenna.

KTBS, Shreveport, La.—CP change 1450 kc 1 kw to 1020 kc 50 kw, amended re transmitter, antenna.

WRLC, Toccoa, Ga. — Modification CP new station for new transmitter, change antenna.

WISE, Asheville, N. C. — Modification license 1370 to 1200 kc (1230 under treaty).

NEW, Dalton LeMausurier, Grand Forks, N. D.—CP 1410 kc 500 w 1 kw D specified hours, II-B, facilities of KFJM.

KFJM, Grand Forks, N. D.—Modification license from unlimited to specified.

KFEQ, St. Joseph, Mo.—CP new transmitter, directional D & N, increase from 500 w 2½ kw LS to 5 kw unlimited, move transmitter.

KGGF, Coffeyville, Kan.—CP increase from 1 to 5 kw, new transmitter, amended to unl.

WEOA, Evansville, Ind.—CP move transmitter.

KBIZ, Ottumwa, Ia.—Modification CP new station re antenna, transmitter.

W45V, Evansville, Ind.—Modification CP FM re transmitter.

NEW, WTBS Radio Co., Toledo—CP 600 kc 1 kw unl. III-B.

FEBRUARY 6

WPAY, Portsmouth, O.—Set for hearing application renew license and transfer of control.

WALB, Albany, Ga.—Granted modification CP new station 1530 kc 1 kw unl. directional N, for new transmitter.

WFMD, Frederick, Md.—Granted license increase hours etc.

New Argentine Nets

POSSIBILITY of establishing additional networks in Argentina supplementing the two existing chains, is indicated in a Department of Commerce trade report that the national government of Argentina is proposing to encourage the transfer of some of the broadcast stations now located in Buenos Aires to other points in the country. Of Argentina's 42 long-wave stations, 19 are located in that city, it was pointed out. It is also planned to establish additional stations in various interior cities, the report stated.

THE BUREAU of the International Telecommunications Union, Berne, Switzerland, has announced publication of the 13th edition of its list of Coast and Ship Stations, which may be obtained for 4.80 Swiss francs, postage prepaid.

Tentative Calendar . . .

FEBRUARY 10

WGST, Atlanta—License renewal.

FEBRUARY 12

NEW, Herbert L. Wilson, Middletown, N. Y.—CP 1310 kc 250 w unl.

NEW, Community Broadcasting Corp., Middletown, N. Y.—CP 1310 kc 250 w unl.

FEBRUARY 13

WBAX, Wilkes-Barre, Pa.—License renewal.

NEW, Edward J. Doyle, Rochester; WSAY, Rochester—Consolidated hearing on application CPs 1340 kc 1 kw unl.

FEBRUARY 20

WHDH, Boston—CP 830 kc 5 kw unl.

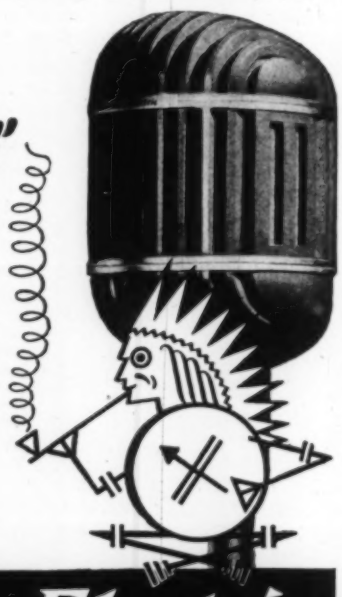
NEW, Symons Broadcasting Co., Ellensburg, Wash.—CP 1110 kc 1 kw unl.

NEW, J. C. Kaynor, Ellensburg, Wash.—CP 1310 kc 250 w unl.

"Light-up Peace Pipe" says Chief Engineer

End the war against low frequency reverberation and acoustic feedback! You can... with the Western Electric 639B Cardioid Mike.

It gives you six pick-up patterns at the turn of a switch. Non-directional, bi-directional and cardioid ... plus patterns 1, 2 and 3 with minimum response angles of 150°, 130° and 110°. Get details from Graybar.



Western Electric

Equipment

GATES AMERICAN Corp, Quincy, Ill., reports the sale of equipment to the following: KPOW, Powell, Wyo., S251 transmitter, 30 series speech input and associated equipment; WALB, Albany, Ga., console, transcription and studio equipment; WRLC, Toccoa, Ga., 250A transmitter, 30 console, transcription, recording, antenna and remote equipment; WLAG, LaGrange, Ga., 250A transmitter, 30 speech console transcription remote and antenna apparatus; and dynamic remote control amplifiers to KVOO, Tulsa; KFXJ, Grand Junction, Colo.; WLTH, Brooklyn; COCO, Havana; KFVD, Fort Dodge, Ia.; WLBJ, Dalton, Ga.; WNOX, Knoxville; WCAD, Canton, N. Y.

PRESTO RECORDING Corp., New York, to meet the demand for a higher quality recording and record playing turntable, has released as a separate unit the dual-speed 12-inch turntable formerly sold only as part of its Model & commercial recorder. Radically different in design from any other table on the market, the new Presto 11-A employs a cast aluminum turntable precision-machined to dynamic balance and revolving on a single ball bearing at the base of a bronze shaft wall.

NEW EQUIPMENT of WTRY, Troy, New York, preparatory to fulltime operation, includes a second 259-foot Lehigh radiator, RCA phasing unit concrete brick tuning house, and an additional open wire feed line to the second tower. Hartenstine-Zane Co., New York, did the actual construction and field tests are being conducted by John Kennedy, associated with John Barron, Washington consulting engineer.

WINCHARGER Corp., Sioux City, Ia., reports the sale of the following equipment: 200-foot tower to KDYL, Salt Lake City; 175-foot tower to WKMO, Kokomo, Ind.; three element directional, each tower 220 feet, to WAPO Chattanooga.

MEMOVOX Inc., newly organized manufacturers of recording machines and discs, has established headquarters at 405 N. Maple Drive, Beverly Hills, Cal. Walter Fagan is president and manager, with George P. Brubaker, chief engineer.

DEVELOPMENT of a generator capable of producing electric impulses of extremely short duration, reduced almost to one millionth of a second, has been announced by Dr. C. W. Potapenko, physicist of the California Institute of Technology, Pasadena. His new generator, he said, requires vacuum tubes only, and does not use any mechanical relay or controls of any kind. It has many possible uses in radio, according to Dr. Potapenko. He recently produced one-centimeter radio waves, the shortest ever achieved, using a tiny radio tube no larger than a house fly.

HERBERT S. BAUMGARTEN, of Pittsburgh, Pa., has been appointed purchasing agent of Universal Microphone Co., Inglewood, Cal.

NEW portable transmitter of KVGB, Great Bend, Kan., housed in a trailer is now being used. A 40-foot removable antenna is part of the new equipment.

NBC Production Shifts

FOLLOWING the realignment of the NBC program department last December, two new production managers have been named to assist Wilfred Roberts, manager of the New York production division, effective immediately. They are Joseph Bell as production manager for dramatic programs and George Maynard for musical programs, both former production directors. NBC also announced the resignations of production directors Frank Dodge and Sherman MacGregor, and the appointment to a similar position of Charles Schenck, former promotion manager of NBC Chicago.

WREN Gets 5 kw.

OPERATION as a Class III-A station with 5,000 watts day and night was authorized for WREN, Lawrence, Kan. in an FCC decision Feb. 4. The increase from 1,000 watts night power was made subject to approval of site and transmitter at Lawrence.

Cudahy Shifts Series

CUDAHY PACKING Co., Chicago (Old Dutch Cleanser), since Sept. 28, 1936, sponsor of *Bachelor's Children* on 18 CBS stations, on March 24 switches to the NBC-Red network, Monday-Friday, 9:15-9:30 a.m. (CST), using 35 stations. Program will originate in Chicago. Contract is for 52 weeks. Agency is Blackett-Sample-Hummert, Chicago.

Caterpillar Report

EASY and informal outline of the annual report of Caterpillar Tractor Co., Peoria, Ill., was given Feb. 5 on WMBD, Peoria, by B. C. Heacock, Caterpillar president. The program, successfully tried a year ago, reached most of Caterpillar's 13,250 employes and their families, as well as many of the 17,200 stockholders. Mr. Heacock explained details of the annual report, which previously had been placed in the hands of employes and stockholders. Financial matter and defense work were explained, among other features of the report.

THE DANISH weekly *Det Danske Ugeblat*, strongly anti-Nazi and published in the Twin Cities, is sponsoring the 15-minute musical game *Songo* over KSTP to promote circulation and plug its advertisers.

THE *New York Call*, is sponsoring a series of transcriptions by Norman Thomas, Socialist candidate for President and critic of the Roosevelt lend-lease policy.

Crystal Specialists Since 1925

ATTENTION

BROADCASTERS SUBJECT TO FREQUENCY RE-ALLOCATION

We are at your service to—

1. REGRIND your present crystal to higher new frequency $17.50
2. NEW CRYSTAL (less holder) $22.50
3. NEW CRYSTAL fully mounted .. $30.00

LOW DRIFT - APPROVED BY FCC

Scientific
RADIO SERVICE
124 Jackson Ave.
University Park, Md.

CLASSIFIED Advertisements

Help Wanted and Situations Wanted, 7c per word. All other classifications, 12c per word. Bold face listings, double. BOLD FACE CAPS, triple. Minimum charge $1.00. Payable in advance. Count three words for box address. Forms close one week preceding issue.

Help Wanted

Announcer-Newscaster — Want experienced young man with Southern voice capable handling controls. Send audition record and references. Also opening for good advertising salesman. WSAV, Savannah, Ga.

New Carolina Station — Complete staff wanted. Write qualifications, experience, salary expected. Address: Equipment Engineering Company, Anderson, S. C.

Southern Local desires chief engineer. Prefer man experienced in network affiliated stations. Salary $130. Box 201, BROADCASTING.

Announcer—With one or two years commercial broadcasting experience. Write full details including salary expected. WSOY, Decatur, Ill.

Salesman and Crew Manager—Experienced and capable managing parade program or other feature promotion; submit references. Box 205, BROADCASTING.

Openings on Hand! For qualified employees—every department—announcers, operators, combinations, transradio press, salesmen, etc., except talent. National Radio Employment Bureau, Box 864, Denver, Col.

Experienced Salesman—For an immediate opening in regional station, intermountain west. In applying give previous experience, sales records and personal references. Salary and commission. Write to Box 206, BROADCASTING.

Need Operator-Announcer—With first class phone license. Good opportunity for experience in programming. Chance to become program director. Want single man experienced at least one year. Box 214, BROADCASTING.

Experienced Announcers—Mid-West station, one for news, sports, special events; one for farm shows. Must be able to write copy. State experience, salary desired, and furnish audition record. Box 202, BROADCASTING.

Experienced Announcer—Small station man who knows his way around a small station, announce, write script, ad lib, read news, handle transcriptions and do the required duties of a small station. Don't bother to write if you haven't had experience. Nominal salary to start. Mutual and Regional connection, heavy commercial schedule. KDLR, Devils Lake, North Dakota.

Situations Wanted

West Coast Representation—Hollywood-Los Angeles radio man, in this field 18 yrs., having own office, seeks affiliation with eastern agency or stations desiring coast representation. Coll. trained, formerly announcer, studio director, 10 yrs. radio editor, adv. agcy. exp., thorough knowledge transcriptions and scripts. Lately exclusively representing stations in foreign countries. Now available, with office facilities, part-time basis on coast for any broadcasting activities. Box 207, BROADCASTING.

Situations Wanted (Continued)

Play By Play Announcer—Five years experience, sports and commercials. Excellent references. Box 212, BROADCASTING.

Experienced announcer, now employed with metropolitan station, desires position with progressive station. Age 25. Box 210, BROADCASTING.

Announcer—Now employed at 5000 watt CBS affiliate and newscasting on regional network. Experienced at combination work, and baseball. 25 years old. Married. Box 204, BROADCASTING.

Program Director-Announcer—27 years old. Married. Now employed as announcer at 5000 watt network affiliate and regional network newscaster. Box 203, BROADCASTING.

Experienced Operator-Announcer — Young, ambitious. Employed at five kilowatt network affiliate. Desires change. Programming, newscasting, local network experience. Details, transcription on request. Box 200, BROADCASTING.

Announcer—Wishes position with progressive network affiliate. Has proven and commercially successful morning chatter show. Can do any ad lib, news and straight assignment. Thirty years old, married, college education. Complete transcription available. Network references. Address Box 198, BROADCASTING.

I Can Run Your Program, recording, or agency radio department for your greater profit. Since 1926, I've grown up with radio in production, announcing, writing, national and local advertising. Also experienced in the theatre. Presently employed, and past two years have managed commercial recording studio and been director of radio instruction in one of nation's leading theatrical schools. My services are not cheap, but will pay dividends. Box 213, BROADCASTING.

Wanted to Buy

5 KW Transmitter Wanted—Prefer one of standard make and in good condition. Box 199, BROADCASTING.

For Sale

FREQUENCY MONITOR, Western Electric 1A, with modified 700A Oscillator, Crystal Frequency 1290K, $200. KDYL, Salt Lake City.

Will Swap 1370 kilocycle crystals for two 1450's. All interested parties please write WHLS, Port Huron, Mich.

Transcription Presses—2 Brunswick tilt head hydraulic presses, 12" ram, platens 15½ x 23". Mech. excel; good appearance; reasonable. Also 5 h. p. steam boiler, hyd. pumps, steam table. Box 208, BROADCASTING.

For Sale—A lingo type antenna, 188 ft. tall, applicable to the 1200, 1300, and 1400 frequency range. Tower in perfect condition, located in Ashland, Ky. Address manager WCMI.

PROFESSIONAL DIRECTORY

JANSKY & BAILEY
An Organization of
Qualified Radio Engineers
Dedicated to the
SERVICE OF BROADCASTING
National Press Bldg., Wash., D. C.

McNARY & CHAMBERS
Radio Engineers
National Press Bldg. DI. 1205
Washington, D. C.

There is no substitute for experience
GLENN D. GILLETT
Consulting Radio Engineer
982 National Press Bldg.
Washington, D. C.

PAUL F. GODLEY
Consulting Radio Engineer
Phone: Montclair (N. J.) 2-7859

JOHN BARRON
Consulting Radio Engineer
Specializing in Broadcast and Allocation Engineering
Earle Building, Washington, D. C.
Telephone NAtional 7757

PAGE & DAVIS
Consulting Radio Engineers
Munsey Bldg. District 8456
Washington, D. C.

HECTOR R. SKIFTER
Consulting Radio Engineer
FIELD INTENSITY SURVEYS
STATION LOCATION SURVEYS
CUSTOM BUILT EQUIPMENT
SAINT PAUL, MINNESOTA

A. EARL CULLUM, JR.
Consulting Radio Engineer
Highland Park Village
Dallas, Texas

CLIFFORD YEWDALL
Empire State Bldg.
NEW YORK CITY
An Accounting Service
Particularly Adapted to Radio

Frequency Measuring Service
EXACT MEASUREMENTS
ANY HOUR—ANY DAY
R.C.A. Communications, Inc.
66 Broad St., New York, N. Y.

Radio Engineering Consultants
Frequency Monitoring
Commercial Radio Equip. Co.
7134 Main Street, Kansas City, Mo.
Branch office, Crossroads of the World
Hollywood, Cal.

AFCCE
RAYMOND M. WILMOTTE
Consulting Radio Engineer
Designer of First Directional Antenna Controlling Interference
Bowen Bldg. • WASH., D. C. • NA. 0718

Three Tests Scheduled By Old Gold Cigarettes

P. LORILLARD Co., New York (Old Gold cigarettes) on Feb. 9 started on the Yankee Network a New England test program titled *Four Corners, U. S. A.*, Sundays, 3-3:30 p.m. Program is built around comedy sketches of characters Eben and Noah Crowell, portrayed by Arthur Allen and Parker Findley, rural comedians known as the Stebbins Boys. The show will be produced in New York and piped to Yankee from WOR.

With the sponsorship of Benny Goodman's orchestra on WJZ, New York, 7:30-8 p.m., P. Lorillard is considering a third regional test on the West Coast. It is understood one of the three test programs will be chosen for the network. J. Walter Thompson Co., New York, is agency.

Vest Pok Tests

VEST POK, Lynn, Mass., introducing a new product, Vest Pok, a non-electric dry shaver, is testing spot announcements in one market, Syracuse, with one-minute announcements daily on WSYR. Alfred J. Silberstein, New York, is the agency in charge.

Lipton Buys Soup Firm

THOMAS J. LIPTON Inc., Hoboken, a subsidiary of Lever Bros., has acquired controlling interest in Continental Soup Co., that city. Company manufactures a powdered chicken soup. No plans have been formulated by Young & Rubicam, New York, Lipton agency.

Drawn for BROADCASTING by Sid Hix

". . . and Here Comes Our Racing Expert Now With the Latest Tips on Tomorrow's Races!"

Court Rulings Limit Appeals

(Continued from page 22)

"errors of law which the court had primarily in mind were errors of law in respect to the action of the Commission in the public interst".

Rights of Licensees

Justice Stephens said he thought the true answer to what rights, if any, licensees have under the Communications Act, lies between the extreme position taken by the appellant in the Sanders case and the extreme position taken by the FCC in the current cases. He said it is obvious that a station license issued for a definite term, for the conduct of a broadcasting business requiring substantial investment, "is more than a mere privilege or gratuity". Whether or not it may be technically called a property right, he argued, it is a thing of value to the person to whom it is issued and a business conducted under it may be the subject of injury.

Contending that the FCC had erred in failing to give the appellants a hearing, Justice Stephens said that right to a hearing before injury by the Government in the public interest is one of the fundamental decencies guaranteed by democratic institutions. He called it a safeguard of the Anglo-American legal system "against arbitrary or capricious action by public authorities". Further, he argued that to construe doubtful language of Congress as permitting the impairment or destruction of such interests without a hearing, would be to invalidate its action under the due process clause of the Fifth Amendment.

Fear of Injury

Again picking up the Supreme Court's reasoning in the Sanders case, Justice Stephens said he did not think the decision was intended to mean that an existing station and the investment in it "may be injured or destroyed by the introduction of competition through a new licensee or through the extension or modification of the facilities of other existing licensees, without a hearing before the Commission on the question whether the public interest, convenience and need will be served by such injury or destruction."

In a separate opinion in the WSAY case, Justice Miller, speaking for the majority, pointed out that this case differed from the WCPO and KVI cases only in that it was based upon fear of injury from electrical interference, which might result from the granting of the Watertown application on the same frequency and with the same power as WSAY. Declaring that certain language in the Supreme Court decision in the Sanders case suggests the possibility of different treatment of a licensee thus affected than would be true of one whose claim of aggrievement is based upon economic or financial injury, the opinion added, however, that "we are unable to distinguish between a situation in which a licensee is threatened by electrical interference and one in which he is threatened by economic or financial injury".

Sanders Case

It was apparently the intention of the Supreme Court in the Sanders case, according to the majority, to "integrate the two". It was pointed out that the highest tribunal amended its opinion as originally published, by inserting the word "financially" in a sentence dealing with injury resulting from the issuance of a license.

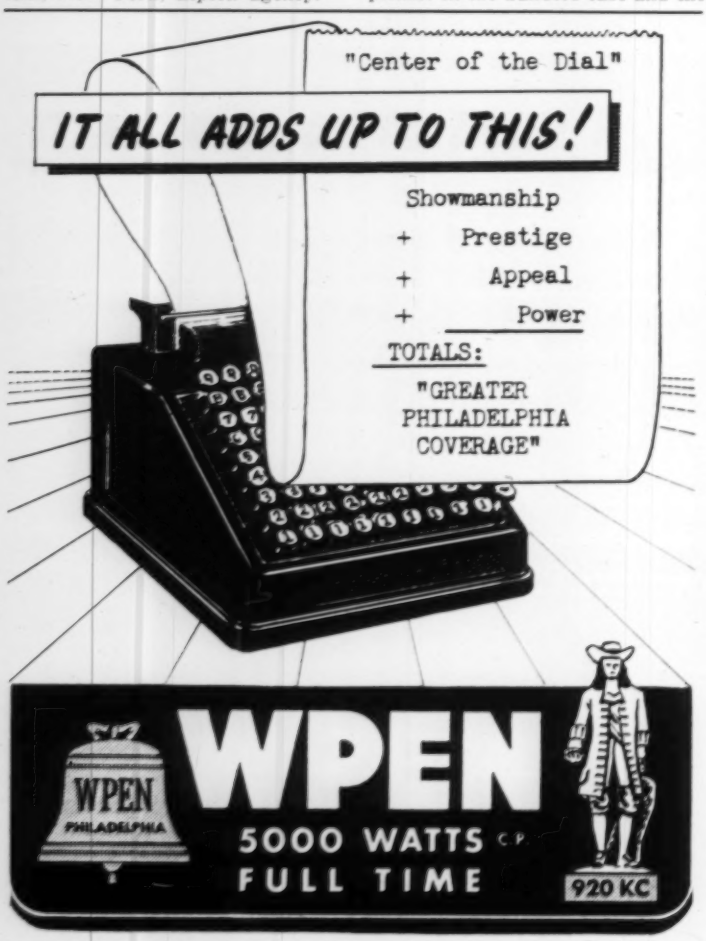
"Presumably, injury by electrical interference would manifest itself in economic or financial injury", the majority held. "Anything less would be of no importance to a licensee. But, in any event, the final consideration is that of public interest; possible injury to the licensee is a secondary consideration; and as we read that decision, we have no power to consider any injury or possibility thereof, except as it may relate to the public interest. Under such circumstances and being no private interest which can be protected on appeal, no purpose can be served in this case, any more than in the other two, by granting a stay order".

Slight Distinction

Justice Stephens again strongly dissented, holding that he thought the WSAY stay order petition should be granted. He pointed out that WSAY had demanded a hearing, which the FCC had denied, and that it then appealed, charging error of law in the denial. Unless an order is issued staying the order of the Commission, irreparable harm to the public interest and to the private business of WSAY will, as a result of the action of the Commission, be occasioned.

Justice Stephens said that the case, in his opinion, presented no questions materially different from those in the WCPO and KVI cases. The only distinction is that in the WSAY case the harm which it is alleged will come to the station will proceed from the granting of a new station license with conflicting frequency, rather than, as in the other two cases, from the modification of existing station licenses in such manner as to extend their facilities with consequent economic injury to the stations and resultant harm to the public interest. He said this was a distinction "without a difference" so far as the legal considerations are concerned.

LULU BELLE and Scotty, singing stars of WLW's *Boone County Jamboree*, have signed contracts to appear in two motion pictures within the next six months which will be produced in Hollywood by Republic Pictures, Inc.



Leadership in Library Service

Shooting the Works on Name Bands

. . . may be a little tough on our production budget but it makes a happy February for Standard stations. Following right on the heels of our sensational Duke Ellington release, comes now another top flight recording orchestra. Our newest band is none other than Freddy Martin, whose popularity is tops all over the country.

▼ ▼ ▼

Add to this more dance material by two of Standard's best liked orchestras, Marvin Dale and Jimmy Walsh, and season it with popular novelties by Frankie ("Sunrise Serenade") Carle and Ronnie ("Cecilia") Kemper of the Horace Heidt aggregation and the result is just what the sponsor ordered!

▲ ▲ ▲

Looking into our palms we see the future looming up plenty bright. Recording sessions now on schedule call for more Henry Busse, Alvino Rey and then another new band—the MacFarland Twins.

▼ ▼ ▼

All this has to do only with our pop releases; our concert and standard units go on as usual to make up that big package of a hundred tunes a month. No wonder the "Welcome" list below continues to grow faster than any other. Standard's various plans of tax-free libraries, Standard's Spot-Ads, and Standard Super Sound Effects are truly an unbeatable combination.

▲ ▲ ▲

Write for information.

. . . SPLENDID ENTERTAINMENT . . COMPETENTLY PREPARED

WINX *Covering* WASHINGTON, D. C. WINX BROAD

January 6, 1941.

Mr. M.M. Blink,
Standard Radio,
360 N. Michigan Avenue,
Chicago, Illinois.

Dear Mr. Blink:

You will be glad to hear that we are daily playing your transcriptions and find them splendid entertainment and very competently prepared.

WINX is giving News of the Hour on the Hour every Hour as a regular feature and at the same time presenting all of the best available music. In this way, with our live talent shows, complete news coverage and the best of music, we are winning a rapidly growing audience.

With kind personal regards, I am,

Cordially yours,
Lawrence J. Heller
Lawrence J. Heller

LJH lw

PROOF OF LEADERSHIP . . . IN OUR DAILY MAIL

LEADERSHIP in any field carries with it the obligation to maintain that leadership for the benefit of those who depend on it. For us, this means building into every transcription in the Standard Radio Library Service the highest possible degree of Showmanship, Technical Perfection and Salability. That we succeed is best shown by letters of praise from our subscribers, members of that growing family of stations who answer "Yes!" to the question:

"Are Your Transcriptions Up to Standard?"

WELCOME TO:

KTHS	Hot Springs, Ark.
KRE	Berkeley, Cal.
WORD	Spartanburg, S. C.
WTMA	Charleston, S.C.
WJBO	Baton Rouge, La.
WDEF	Chattanooga, Tenn.

Now — 293 Standard Stations!

Standard Radio

HOLLYWOOD CHICAGO

Published every Monday, 53rd issue (Year Book Number) published in February by BROADCASTING PUBLICATIONS, INC., 870 National Press Building, Washington, D. C. Entered as second class matter March 14, 1933, at the Post Office at Washington, D. C. under act of March 3, 1879.